

REMOTE CONTROL BORDER STATIONS

HEARINGS

BEFORE THE

COMMITTEE ON

MERCHANT MARINE, RADIO, AND FISHERIES

HOUSE OF REPRESENTATIVES

SEVENTY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 7800

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COMMITTEE ON MERCHANT MARINE, RADIO, AND FISHERIES

HOUSE OF REPRESENTATIVES

SEVENTY-THIRD CONGRESS, SECOND SESSION

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REMOTE CONTROL BORDER STATIONS—H.R. 7800

THURSDAY, FEBRUARY 15, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE, RADIO, AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler Otis Bland (chairman) presiding.

[H.R. 7800, 73d Cong., 2d sess.]

A BILL To amend the Radio Act of 1927, as amended, by the addition of a new section to follow section 28 of said Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Radio Act of 1927, as amended (44 Stat. 1162), approved February 23, 1927, is amended by the addition of a new section to follow section 28 of said Act (44 Stat. 1172), said new section to read as follows:

"SEC. 28a. No person, firm, company, or corporation shall be permitted to locate, use, or maintain a radio-broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity and/or being so located geographically, that its emissions may be received consistently in the United States, without first obtaining a permit from the Federal Radio Commission upon proper application therefor.

"Such application shall contain such information as the commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 11 of this Act with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the commission, after hearings, shall find its continuation no longer in the public interest."

The CHAIRMAN. Gentlemen, we have met this morning to consider H.R. 7800, which was introduced at the request of the Federal Radio Commission. Judge Sykes, chairman of the Radio Commission, expected to be here and it was my intention to call him as the first witness. However, a similar bill has been introduced in the Senate and hearings are being held on that bill before Senator Dill's committee at 10:30 o'clock. As I had asked Dr. Jolliffe, Dr. Stewart and Mr. Ring to be present today, in connection with this testimony, and we could hear them while Judge Sykes was testifying before the Senate committee, I arranged with Senator Dill that Judge Sykes could attend the hearings in the Senate committee and later appear before this committee.

I think it would be well to bring to the attention of the committee, first, the letter of the chairman of the Federal Radio Commission to me and the letter of the chairman to Senator Dill, which

goes into greater length as to the necessity for this legislation. I do that in order that the members of the committee who are present may have the background before I ask Dr. Jolliffe to take the stand.

The letter of Judge Sykes to me is dated February 3, 1934, and reads as follows:

DEAR JUDGE: Attached please find suggested copy of amendment to cover especially the Mexican situation with which you are familiar.

If you agree with me that the situation is such as to warrant legislation at this time I wish you would talk with Senator Dill about the matter and see what he thinks should be done.

I am enclosing copy of my letter to Senator Dill and am also sending a copy of the correspondence to Congressman Ramspeck, chairman of your subcommittee on radio.

With kindest personal regards, sincerely yours,

E. O. SYKES, *Chairman.*

The letter to Senator Dill is dated February 3 and reads as follows:

MY DEAR SENATOR DILL: Attached please find proposed amendment to the radio act, prepared for the purpose of stopping broadcasts by remote control by people in the United States over transmitters located in foreign countries.

The object and purpose of this proposal is especially directed at the broadcasts from Mexican stations, such as Dr. Brinkley who has now moved his hospital to Texas and broadcasts from Texas to his station in Mexico.

It is our belief that if such an amendment were enacted it would make it very much harder for these people because then they would be compelled to do their broadcasting from foreign soil and would greatly tend to discourage not only the present broadcasting of this character but would also tend to stop the erection of new stations along the Mexican border. We have submitted the proposed amendment to Dr. Irvin Stewart of the State Department and he thinks it is all right.

With reference to the chain broadcasting through Canadian stations. under this proposal they could obtain the consent of the Commission for a continuance of it and I, therefore, do not believe they would now have any objection to this proposal.

As you will note, the proposed amendment also covers electrical transcription prepared for this purpose.

You are familiar with the Mexican situation and we, therefore, ask that you consider whether or not legislation of this character should not be passed in this session of Congress.

I am sending copies of this letter to Senator White, Chairman Bland of the House Committee, and Congressman Ramspeck, chairman of the subcommittee of the House on radio.

We shall be pleased to furnish any other information you may desire on the subject.

Sincerely yours,

E. O. SYKES, *Chairman.*

Attached to the letter is a proposed amendment which is in the language of the bill I have introduced and which is now under consideration.

- (A) For the benefit of the committee, I would say that the delegates from the United States to the North and Central American Radio Conference, held at Mexico City in July of last year, were Judge Sykes, of the Federal Radio Commission; Minister Roy T. Davis, who was then Minister to Panama, and myself. Dr. Jolliffe, of the Federal Radio Commission, who is present; Dr. Stewart, of the State Department, who is present, and Mr. Ring, engineer of the Federal Radio Commission, who is also present, were among the technical advisers at the Mexican radio conference, at which nothing was accomplished in the way of keeping these stations from interfering with American stations. There were promulgated at that time cer-

tain regulations which it was hoped would be effective in reducing interference, in that they prescribed that the broadcasting should be in the language of the country where the transmitter was located and that the studio should be located in that country. However, there was a saving clause that with the permission of the Mexican Government the studio might be located elsewhere and other language might be used.

I believe that generally states the regulations which it was hoped would be carried into effect. Just how far they have been carried into effect (which I believe to be an absence of any enforcement at all) will be disclosed by the witnesses this morning.

Now, Dr. Jolliffe, will you please give your name, and your official title with the Radio Commission?

**STATEMENT OF C. B. JOLLIFFE, CHIEF ENGINEER FEDERAL
RADIO COMMISSION**

Mr. JOLLIFFE. C. B. Jolliffe; Chief Engineer of the Federal Radio Commission.

The CHAIRMAN. You are familiar with the legislation which is under consideration this morning?

Mr. JOLLIFFE. Yes, sir.

The CHAIRMAN. You were one of the technical advisers at the Mexican Radio Conference, known as the "North American and Central American Conference"?

Mr. JOLLIFFE. I was.

The CHAIRMAN. You are familiar with the situation that existed which occasioned that conference and also the results of the conference?

Mr. JOLLIFFE. Yes, sir.

The CHAIRMAN. I presume that you are acquainted with this bill?

Mr. JOLLIFFE. Yes, sir.

The CHAIRMAN. I shall be glad if you would explain to the committee the necessity for the bill—the evils sought to be corrected and the remedies that would be effected by this bill.

Mr. JOLLIFFE. May I say in the beginning that this bill is not directed at any legitimate broadcasting as between the United States and Canada. There is the best cooperation between the Canadian Broadcasting Commission and the Federal Radio Commission of this country.

During the past several years, there have been built along the Mexican border a series of broadcasting stations. The most prominent of these stations was that erected by a former licensee of the United States, namely, Mr. Brinkley, of Milford, Kans., who was denied a renewal, after hearing and appeal to the Court of Appeals of the District of Columbia, of his license to broadcast from Milford, Kans. Dr. Brinkley conducted a hospital which was of questionable character from the standpoint of the type of operations carried on.

The CHAIRMAN. That is commonly known as the "goat gland" hospital?

Mr. JOLLIFFE. That is one phase of it; yes, sir. As I said, after hearing and appeal, he was denied a license and he went to the Mexican radio officials and obtained permission to operate a station of

500 kilowatts, at Villa Acuna, Mexico, across the Rio Grande from Del Rio, Tex.

The CHAIRMAN. Five hundred kilowatts is 500,000 watts?

Mr. JOLLIFFE. Five hundred thousand watts. The station was erected not for the full power—I believe it is approximately 100 kilowatts, or 100,000 watts at the present time—and is in operation.

Another man, Mr. Baker, who was operating, also, a hospital in Muscatine, Iowa, was denied a license. His principal treatment was for cancer—curing of cancer without operation. After full hearing, he likewise, was denied permission to operate a broadcasting station in the United States. He also has obtained from the Mexican Government permission to operate a broadcasting station in Nueva Laredo, Mexico, directly across the Rio Grande from Laredo, Tex. Mr. Baker has just completed his station and is operating on a power estimated at about 50 kilowatts, from the data which we have obtained, on a frequency of 1115 kilocycles, and has been operating only a few days.

Mr. LEHLBACH. May I ask a question right here: How do they get their broadcasts into Mexico? I mean, if it originates in the United States, how do they get it into the radio station in Mexico for transmission back into the United States? By telephone?

Mr. JOLLIFFE. By means of a telephone line; yes, sir.

Mr. LEHLBACH. Well, will this cover it?

Mr. JOLLIFFE. We believe it will cover their maintenance of a studio or use of the facilities for getting this program into Mexico. Now, they can physically go to Mexico, of course, and we have no control over it at that time.

Mr. LEHLBACH. I have read the bill; I am generally familiar with it. It is not a new bill, but I was just wondering whether it precluded telephoning into Mexico a program to be broadcast from there.

Mr. JOLLIFFE. We believe it does.

Mr. LEHLBACH. All right; that is all I want to know.

Mr. JOLLIFFE. In addition to these two stations I have just mentioned, there are at the present time three other stations; one at Piedras Negras, Mexico, which is across the river from El Paso; one at Reynosa, Mexico, which is on the border near the Gulf of Mexico; and a third station which has recently opened up at Agua Caliente, in Lower California, near the California border.

Our information is that all of these stations, in addition to the two which I have described, are financed by United States capital; they are operated for the purpose of supplying programs to American audiences—audiences in the United States—rather than audiences of Mexico. They broadcast principally in English; they carry on programs which, in general, will not be broadcast by American stations, because of their character and because of the fact that the American stations do not believe that the programs are suitable for broadcasting.

The population of Mexico in this area is quite sparse and discussions with Mexicans at Mexico City last summer indicated that the people of Mexico are, in general, not interested in listening to these stations.

Mr. LEHLBACH. What is the license fee that the Mexican Government charges to a station?

Mr. JOLLIFFE. Up to 250 watts, it is \$150, Mexican; from 250 to 5,000 watts, it is \$400; above 5,000 watts, it is \$750, Mexican, semi-annually. So it is double that for the annual fee.

Mr. WALTER. How does that compare with a station of similar size in the United States?

Mr. JOLLIFFE. As to the license fee?

Mr. WALTER. Yes.

Mr. JOLLIFFE. There are no license fees in the United States.

I have had prepared on a map of the population distribution of the United States the location of these stations along the Mexican border. These circles surround the area which is primarily served by these stations; that is, the area to which these stations would get their primary signal.

The CHAIRMAN. What do you mean by "primary signal?"

Mr. JOLLIFFE. That is the reliable, day in and day out, night and day, signal. As you will see, this area is a sparsely populated area—the plain white [indicating on map].

The CHAIRMAN. Indicate where you are pointing, so they can get it.

Mr. JOLLIFFE. The plain white area is the population of under two per square mile. In the area in which there are small circles, the population is 2 to 18 per square mile.

So the area along the Mexican border is extremely sparsely populated. These stations, therefore, cannot be appealing to the people of that area; because there are not sufficient people to justify or to support a station of that power.

A characteristic of radio is that at night a signal which is started from one of these stations travels over long distances and gives a signal of a character over practically all of the southern part of the United States, and it is that audience which these people attempt to reach. For example, in lower California, at Agua Calientes, of course the station is designed to advertise the resorts and what not in southern California, to the people of San Diego, Los Angeles, and San Francisco.

Mr. LEHLBACH. Does it broadcast race returns?

Mr. JOLLIFFE. Yes, sir.

Mr. WILLFORD. How much territory will they take in?

Mr. JOLLIFFE. You mean over what part of the United States can they be heard?

Mr. WILLFORD. Yes.

Mr. JOLLIFFE. At night, except for the interference which is produced by American stations, they can be heard, on good nights in the wintertime, over practically all of the United States. If interference—natural interference or radio interference—exists, that restricts the area.

Mr. WILLFORD. And that excessive power they have drowns out the smaller stations?

Mr. JOLLIFFE. Yes, sir. It appears to reduce the service of stations adjacent to them.

Mr. EDMONDS. I will say I have had no difficulty in getting Dr. Brinkley's program in Philadelphia.

Mr. WILLFORD. I have the damndest time keeping from getting him. [Laughter.]

Mr. EDMONDS. There are about three stations he drowns out; he drowns out Cleveland, he drowns out Cincinnati, and he drowns out

Chicago, and I think one southern station. There are three stations he drowns out in that area.

The CHAIRMAN. He drowns out Atlanta, does he not?

Mr. JOLLIFFE. Yes, sir; I was just coming to that, Mr. Chairman.

Of the stations which are in operation, XER is the one which is best known, which is Dr. Brinkley's station, operating on a frequency of 735 kilocycles, which is 5 kilocycles from the station operated by the Atlanta Journal, WSB, which is 15 kilocycles from station WJR at Detroit on the one side, and 15 kilocycles from station WGN of Chicago, on the other side.

The CHAIRMAN. What is the margin of difference required?

Mr. JOLLIFFE. Ordinarily, for this type of service, stations are assigned at 10-kilocycle intervals. This station is only 5 kilocycles from a very important southern station. However, at a distance, where a person is desiring to hear a station 15 kilocycles away, it would probably cause interference on some receivers; on other receivers it will not cause interference.

Station XENT, which has opened up operations in Nueva Laredo, is 5 kilocycles from the station in Richmond, Va., WRVA, and is causing interference to that station in its regular service area.

I might say that this interference consists not only in cross-talk interference—that is, hearing two programs at the same time—but also there is a very high-pitch whistle (squeal), which takes places when it is operating, which is very annoying.

The CHAIRMAN. Is that the heterodyne?

Mr. JOLLIFFE. That is the 5-kilocycle heterodyne; yes, sir; and is not excluded in the ordinary receiver.

On the other side of XENT, of 1,115 kilocycles—that is the station of Mr. Baker—is KTRH, of Houston, Tex., and station KRKD, of Los Angeles. The interference with the station of Houston, Tex., which is only 300 miles from XENT, has resulted in practically eliminating the usefulness of that station.

Another powerful station, the one at Piedras Negras, across from El Paso, XEPN, is not operated by a former licensee of the Commission but is operated by American capital. That station is operating on 585 kilocycles and is causing interference to station WIBW, of Topeka, Kans.; KMJ, of Fresno, Calif.; and WOW, of Omaha, Nebr. All of those stations have complained of the seriousness of the interference to their programs.

Another station, XEAW, which is operated at Reynosa and which at one time was principally concerned in broadcasting results of a private lottery, is 5 kilocycles from the station in Chicago, WCFL, operated by the Chicago Federation of Labor.

A station which also has just recently commenced operation, XEBC, of Agua Calientes, is causing interference with station WFAA, at Fort Worth and Dallas on the one side and WCCO, of Minneapolis, on the other side, and also causes interference to WHAS, of Louisville, Ky.

Of other stations which are projected but which have not yet been constructed, there are four other stations of which we have information that have received licenses. Some of these, our information is, are attempting to raise the capital in order to build

them; others are actually under construction. We do not know how far they are along.

As I said, the purpose of all of these is to give signals to the United States and to obtain revenue from the United States. All of them either have now or have had at some time studios in the United States.

We attempted at Mexico City to reach an agreement with the Mexican Government. The Mexican Government refused to do anything concerning these stations. One portion of their operations which we believe we can reach in this country is the studio, or the use of facilities for getting programs to Mexico from the United States and the production of records for shipment to Mexico from the United States, and that is the purpose of the bill.

Mr. WILLFORD. What is the main object of their moving over there—so as to avoid the rules and regulations of the Federal Radio Commission here?

Mr. JOLLIFFE. It is, for two of them, because they were denied further use of facilities in the United States, of the others, because they have been unable to obtain the facilities in the United States.

Mr. WILLFORD. Why were they refused—on account of the programs not being legitimate programs?

Mr. JOLLIFFE. The programs, as the Commission determined, were not in the public interest; they were programs which the Commission believed should not be broadcast in the United States.

The CHAIRMAN. What are those programs of Dr. Brinkley?

Mr. JOLLIFFE. The program of Dr. Brinkley is a continuation of the type of programs which he broadcast in the United States—the advertisement of a hospital which is not recognized by the medical circles of this country as being a legitimate operation; that is, the insertion of the so-called “goat glands” and the prescription by radio for practically any type of ailment. The people who desire to have the prescription made write their symptoms to Dr. Brinkley and then he prescribes for them over the air. His prescriptions consist of giving the number of certain prescriptions which he has had compounded and which are for sale in various drug stores.

The other station, XENT, of Mr. Baker's, is a cancer cure—a hospital for the curing of cancer, which is likewise not a recognized procedure.

The other stations broadcast lotteries, fortune telling, astrology, and also various types of medical propaganda.

The CHAIRMAN. You say at night the interference is general throughout the United States?

Mr. JOLLIFFE. General.

The CHAIRMAN. With an increase of the station power to its authorized power of 500,000 watts, what would be the effect?

Mr. JOLLIFFE. It would very greatly increase the amount of interference. Take, for example, the interference to WSB of Atlanta, operated by the Atlanta Journal: It would have the effect of practically reducing that station to serving Atlanta and the immediate vicinity, and that is all; while that station would serve with primary service quite a large area of Georgia and, in addition, at night should give service to a large portion of the eastern part of the United States.

The CHAIRMAN. For the information of the committee, if they desire, I will ask why is the interference so much greater at night than in the day?

Mr. JOLLIFFE. In the daytime, the characteristic of radio signals is that they travel along the ground and finally become so weak that they cannot be heard above the noise level. At night, there appears above the earth what appears to be a layer that is similar to a mirror, which reflects the radio waves. Once they are started up, they are reflected back and are received at a distance. This is known as the "sky wave" and only exists when this reflecting layer is present. This reflecting layer does not exist during the daylight hours; consequently, this night signal, this sky-wave signal which makes it possible to hear radio stations at great distances, only is in existence at night, consequently, the interference exists only at night.

Mr. LEHLBACH. When you say "night", do you mean at any time after 7 or 8 o'clock?

Mr. JOLLIFFE. After sunset, sir.

Mr. LEHLBACH. After sunset?

Mr. JOLLIFFE. Yes, sir. The signal increases very rapidly, beginning shortly before sunset and reaching its maximum shortly after sunset.

Mr. LEHLBACH. Then, between 9 and 12, this interference is at its maximum?

Mr. JOLLIFFE. Yes, sir; it even reaches its maximum before 9 at this time of the year; it reaches its maximum around 7 or 7:30.

Mr. TERRY. May I ask, in regard to the hearings on these applications, whether or not the licensees were granted hearings, for instance, in regard to the goat-gland treatment and the cancer treatment? Did they have regular hearings on that before the Commission?

Mr. JOLLIFFE. In the case of Mr. Brinkley, a hearing was held before one of the commissioners—a full and complete hearing—I think it lasted several day; probably a week. The Commission, after much consideration, denied the application for a renewal of the license.

Mr. LEHLBACH. When you say "hearing before one commissioner" the testimony is transcribed and is available to the members of the Commission?

Mr. JOLLIFFE. That is correct, sir; the Commission has available a full record of the hearing.

Mr. TERRY. Who were the objecting parties to the transmission—the American Medical Association?

Mr. JOLLIFFE. There appeared the representatives of the American Medical Association, the representatives of newspapers in the area, and private individuals, and the Commission had its own record of the transmissions.

The CHAIRMAN. The Commission is also charged, under the law, with the primary responsibility of determining, before any license is issued or continued, whether it is in the public interest?

Mr. JOLLIFFE. That is correct.

The CHAIRMAN. Under what is known as the "public interest, convenience, and necessity"?

Mr. JOLLIFFE. That is a paragraph of the law.

The CHAIRMAN. So that the Commission itself, whether there is any objection or not, is primarily charged under the law with that responsibility?

Mr. JOLLIFFE. That is correct, sir. After this hearing and decision by the Commission, Mr. Brinkley took the regular appeal to the Court of Appeals of the District of Columbia. The appeal was prosecuted and there was argument before the Court of Appeals and the Commission was sustained. He took his full recourse to the court.

The CHAIRMAN. In the hearing before the court, is there additional testimony adduced, or is that heard on the record made before the Commission?

Mr. JOLLIFFE. It is upon the record made before the Commission.

The CHAIRMAN. Was any attempt made to carry the case to the Supreme Court of the United States?

Mr. JOLLIFFE. Not that I recall.

Mr. LEHLBACH. Is it susceptible of being carried to the Supreme Court of the United States?

Mr. JOLLIFFE. I do not believe it is.

The CHAIRMAN. I do not think so, either.

Mr. JOLLIFFE. In the case of Mr. Baker, the case was heard before an examiner of the Commission. It lasted several days. A transcript was made; the Commission considered the examiner's report and denied him a license for continued operation. That case was likewise appealed, but the appeal was withdrawn, before it came to argument, by Mr. Baker.

The CHAIRMAN. I understand there are several other stations on the Mexican border.

Mr. JOLLIFFE. Yes, sir. They have not been licensed at any time to operate in the United States.

The CHAIRMAN. How many are there in all?

Mr. JOLLIFFE. At the present, there are operating 5 stations, of which we have definite knowledge, that are on the border. There is under construction one station, of which we have definite knowledge, and there is a concession to construct still another station. There are two stations which were in a rather indefinite condition, as far as permission was concerned, when we were in Mexico City last year. They stated that they had requested the right to construct and apparently a request is considered sufficient—is considered almost equivalent to a grant of the right. In all, there are 12 stations either operating or probably to be constructed.

The CHAIRMAN. Do you know whether any concessions have been granted since the close of the conference in Mexico City?

Mr. JOLLIFFE. Yes, sir; there is one concession which has been granted and the station is in operation, since we were in Mexico. That is the station XEBC at Aguascalientes, which has been in operation only a few weeks.

The CHAIRMAN. With the exception of the Brinkley station and the Baker station, are the other stations operated by programs transmitted from the United States?

Mr. JOLLIFFE. That has been rather difficult to determine, Mr. Chairman. There are several independent telephone companies operating in that section and we have been unable to determine whether or not they are using telephone lines to go across the border.

We know definitely that XER is; that XEPN is—that is the one at Piedras Negras; and we know definitely that Mr. Baker has made application to have a line across the border. We know that the station at Reynosa did have lines, but they have suspended service—for what reason, we do not know.

The CHAIRMAN. That is, a telephone line?

Mr. JOLLIFFE. A telephone line; yes, sir.

Mr. EDMONDS. Are these telephone lines operated by telephone companies?

Mr. JOLLIFFE. Yes, sir.

Mr. EDMONDS. Is there any control of those telephone companies putting a line across the border?

Mr. JOLLIFFE. There is no control by the Radio Commission; I do not believe there is any control.

Mr. EDMONDS. Do not they have to have a permit to cross the border?

Mr. JOLLIFFE. No; I do not believe they do.

Mr. EDMONDS. It might be well to look into that.

Mr. JOLLIFFE. Dr. Stewart can probably answer that.

Mr. EDMONDS. Is there any possibility of their putting these program across the border by low-wave transmission?

Mr. JOLLIFFE. That is also a possibility.

Mr. EDMONDS. When Dr. Brinkley was up in Kansas broadcasting, did not he use the low wave to transmit across the border?

Mr. JOLLIFFE. No, sir; he used a line from Kansas.

Mr. EDMONDS. He used a telephone line?

Mr. JOLLIFFE. Yes, sir.

Mr. EDMONDS. It could be done by low-wave transmission, though?

Mr. JOLLIFFE. Yes, sir; but that would require a license from the Commission for operation of a short-wave transmitting set, and the Commission would, of course, deny that permission. We have control over that.

Mr. EDMONDS. It has got to be done by telephone line?

Mr. JOLLIFFE. Yes, sir.

Mr. RAMSPECK. Mr. Chairman, I want to ask the witness with reference to this Brinkley station: It operates on a frequency close to WSB of Atlanta, does it not?

Mr. JOLLIFFE. Yes, sir; 5 kilocycles away.

Mr. RAMSPECK. That station is operated on what power now?

Mr. JOLLIFFE. WSB?

Mr. RAMSPECK. No; the Mexican station.

Mr. JOLLIFFE. Some place between 100 and 150 kilowatts. We do not have the complete information of just exactly what the power is; but from the data which they have issued that is about the power of the station. WSB is 50 kilowatts.

Mr. RAMSPECK. That station is using telephone lines now?

Mr. JOLLIFFE. Yes, sir.

Mr. RAMSPECK. Do you know where the studio is located?

Mr. JOLLIFFE. At Del Rio, Tex.

Mr. RAMSPECK. This bill, then, would cover that station?

Mr. JOLLIFFE. Yes, sir.

Mr. RAMSPECK. Mr. Chairman, I would like to read, for the benefit of the committee, a paragraph from a letter received from former

Senator John F. Cohen, who is president and editor of the Atlanta Journal, which paper controls and owns WSB. I wrote him about this hearing and he says:

We are the innocent victims of this lack of cooperation between Mexico and the United States. We have, as you know, been interested in radio for more than 12 years and have recently erected our new transmitter of 50,000 watts, the largest permitted under the radio regulations of this country. We also have a clear channel so far as the United States is concerned; but, as Dr. Brinkley operates his border station on a wave length very near ours, it causes us great annoyance and probably great loss. I hope some way can be found to remedy the situation. This certainly is a step in that direction.

Referring to the bill under consideration.

Mr. LEHLBACH. Mr. Chairman, when this bill was under consideration before this committee in the previous Congress, I have a recollection, although not very clear cut, about some difficulties arising by means of Canadian stations in which American capital was interested and which were not at all within the class sought to be barred by this legislation. Now, in this North American and Central American conference, was the distinction between the sheep and the goats at all discussed or brought out, or is this bill now framed to meet that situation which might be affected by our attempting to remedy the situation in Mexico, which would harm and injure and prevent legitimate stations existing in Canada?

The CHAIRMAN. I will say that the Canadian delegation were in entire accord with the delegation from the United States on nearly every proposition that came up, so far as I can recall.

Mr. JOLLIFFE. Yes, sir.

The CHAIRMAN. Is that correct, Mr. Jolliffe?

Mr. JOLLIFFE. That is correct. This bill provides for permission to operate these studios in the United States for transmissions to the other nations. It is the idea of the Commission that any legitimate business, such as broadcasting over Canadian stations for the purpose of reaching Canadians, is a perfectly logical request and would be granted by the Commission.

Mr. LEHLBACH. My recollection is that there were some very laudable interests in Detroit that, as a matter of convenience and necessity, and without objection from anybody, located their station in Windsor, or something like that.

Mr. JOLLIFFE. That is correct. That station is still here.

Mr. LEHLBACH. And that that station, if the legislation, as proposed in the form of the bill that was previously before this committee, was enacted, would practically be put out of business. Was that situation in the minds of the drafters of the present bill?

Mr. JOLLIFFE. It was, sir.

Mr. LEHLBACH. And that interference with innocent people, against whom there is no objection, has been obviated?

Mr. JOLLIFFE. That is right.

Mr. LEHLBACH. By the provisions of this bill?

Mr. JOLLIFFE. All it requires is an application for permission. I might say that the situation in Canada has changed somewhat since this bill was under consideration by this committee before, in that, there has been formed the Canadian Radio Broadcasting Committee, which has jurisdiction over broadcasting in Canada. As I said in the beginning, there is complete cooperation between this country

and Canada. The assignments which Canada has made to her broadcasting stations have been agreed to by an exchange of notes between the United States and Canada, and we are living very happily with Canada.

Mr. LEHLBACH. There is no interference at all?

Mr. JOLLIFFE. No, sir.

Mr. LEHLBACH. Then so far as Canada and the United States are concerned, there is no interference with clear channels, or no conflicting assignments of wave lengths?

Mr. JOLLIFFE. That is correct. They exchange programs with our chain stations; our chain companies send programs into Canada. This would require that the chains receive permission from the Commission for that type of operation, and that is all.

Mr. RAMSPECK. Mr. Jolliffe, under this bill the same situation could be worked out with Mexico, could it not?

Mr. JOLLIFFE. Yes, sir.

Mr. RAMSPECK. Any station that was licensed in the United States, if they wanted to put their transmitter in Mexico, by permission of the Commission they could do so?

Mr. JOLLIFFE. If the Commission desired to give permission to transport programs by wire to Mexico, it could under the provisions of this proposed act.

Mr. RAMSPECK. For example, a station in El Paso, Tex., if it wanted to put its transmitter in Mexico, the proposed act would permit the Commission to grant that request if it did not interfere with other stations?

Mr. JOLLIFFE. Of course a station that was licensed by the Commission and desired to put its transmitter in Mexico would go completely out from under the control of the Federal Radio Commission and under the control of the Mexican Government.

Mr. RAMSPECK. The point I was trying to make was there was no discrimination against Mexico in favor of Canada?

Mr. JOLLIFFE. I do not think I follow you, Congressman.

The CHAIRMAN. The question is whether there is any discrimination against Mexico in favor of Canada?

Mr. JOLLIFFE. I do not think there is.

The CHAIRMAN. The same rule would apply to Mexico as to Canada?

Mr. JOLLIFFE. Yes. Let me use, as a definite illustration, a station in Monterrey, Mexico—a legitimate Mexican station which is serving Monterrey, Mexico, which is some one hundred and fifty or two hundred miles from the border. There is a rather dense population there. Now suppose the Columbia Broadcasting System desired to supply a program to the station in Monterrey, it would apply to the Commission for permission to do that.

Mr. RAMSPECK. Just as it would if you had the same situation in Canada?

Mr. JOLLIFFE. That is correct.

Mr. SIROVICH. Could not this interference with stations here from wave lengths from Mexico exist without having wires from Texas to Mexico?

Mr. JOLLIFFE. That is correct.

Mr. SIROVICH. And would not that interference take place in Atlanta just the same?

Mr. JOLLIFFE. We have no control if it is completely operated in Mexico.

Mr. SIROVICH. What advantage is there to pass this bill, then?

Mr. JOLLIFFE. The advantage to pass this bill, sir, is to make it necessary for all of these operations to be carried on in Mexico, which we understand these people do not desire to do.

Mr. SIROVICH. That would not prevent them, however, from doing it.

Mr. LEHLBACH. The point is this, Doctor, that these programs, if they are of any use to persons operating the Mexican station, originate in the United States and are broadcast in English and are transmitted by telephone or other device to the broadcasting station in Mexico, and this does not interfere with the Mexican station, where we have no rights, but it interferes with the right of sending programs in the first place, by telephone, and so forth, to the Mexican station.

Mr. SIROVICH. What I wanted to bring out is, a man could go across from Texas and put his antenna and mechanical equipment in Mexico, and still send his program out in English from Mexico, or anything he wants, and that would interfere with Senator Cohen's station.

Mr. LEHLBACH. Yes; if he broadcasts into the United States from Mexico.

Mr. SIROVICH. That is what I mean.

Mr. LEHLBACH. But you cannot operate a hospital in Kansas and be in Mexico blatting over the radio at the same time.

Mr. SIROVICH. What I was trying to find out was whether there was any international agreement that could cure the situation Mr. Ramspeck is complaining of in the State of Georgia.

Mr. JOLLIFFE. There is no such international agreement.

The CHAIRMAN. They would not agree to it?

Mr. JOLLIFFE. We tried to get such an agreement last summer in Mexico City and we were unable to get it. We are going to continue to try; but when we will be able to do it, I do not know. This is just simply one way of reaching one phase of it, and it is the only way the United States can reach these stations.

Mr. SIROVICH. Suppose this goat-gland doctor goes over to Mexico with his station and his antenna, takes his theatrical equipment, or whatever he wants, his records, or anything else; he still can send his program out from Mexico and still cause that same interference and still transmit his communication to people in the United States?

Mr. JOLLIFFE. That is correct.

Mr. SIROVICH. And there is no way of stopping it?

Mr. JOLLIFFE. There is no way of stopping it, except by international agreement.

Mr. SIROVICH. And that has not been accomplished?

Mr. JOLLIFFE. And that we have not been able to accomplish as yet.

Mr. SIROVICH. The only thing you would gain by this bill is the privilege to remove the wiring from the United States into Mexico?

Mr. JOLLIFFE. That is correct.

Mr. WILLFORD. They have a law in Mexico that their programs must be put on in the language they speak in that country, have they not?

The CHAIRMAN. That law was promulgated almost simultaneously with the meeting of the conference, was it not, Doctor?

Mr. JOLLIFFE. That is correct; about 2 days, I think, before we got down there.

The CHAIRMAN. And, so far as you know, has that law been enforced?

Mr. JOLLIFFE. So far as I know, there has been no change in the method of operation of these stations along the border, and I have observed them quite a bit since I have been back.

The CHAIRMAN. There was, however, in addition to the prohibition Mr. Willford just referred to, a saving clause, was there not, or loophole?

Mr. JOLLIFFE. That is correct—if they can get permission of the Mexican Government.

The CHAIRMAN. In other words, they were required to send out programs in Spanish unless the Mexican Government gave permission to send them out in English?

Mr. JOLLIFFE. Yes.

Mr. WELCH. Have they a radio commission in Mexico?

Mr. JOLLIFFE. No, sir; the Mexican radio communications are administered by, I think—when I was there—a Secretary of Public Works and Communications. It is equivalent to our Cabinet officer.

Mr. LEHLBACH. If I understand correctly, the license fee for a 500-watt station is \$1,500 a year?

That may induce the Government to waive the Spanish language. [Laughter.]

Mr. EDMONDS. When Dr. Brinkley started out, he put a very excellent Mexican program on, and then he interspersed it with medical advice that he sent from Kansas down there; but he has cut out that Mexican program, I presume, because it costs too much, and has gone altogether into prescribing the goat-gland treatment and other things. Then he put in a fortune-telling outfit, and you write him a letter and he will tell you part of the fortune and then he will tell you to send him \$2 and he would send you the balance of the fortune. I think the Mexican program is very good, myself; but I think the attitude of your Commission was right in objecting to having the other part of the program put on the air.

The CHAIRMAN. I will say for the benefit of Mr. Edmonds that the position of the delegates and technical advisors was they would be delighted to have the original Mexican programs, because they are excellent programs, and things of that kind, but wanted him to cut out the objectionable programs. We tried to reach it by a treaty, and I will ask Mr. Jolliffe to say whether the demands were such that they could not be met by the United States?

Mr. JOLLIFFE. The demands of Mexico were such that it would have been impossible to meet them without completely destroying the broadcasting system of the United States. The Mexican Government requested that they be authorized by treaty to use 12 exclusive

channels. The United States has set aside 40 channels which we call "clear channels" each for the exclusive use of a single station at night. There are in all 96 channels available for broadcasting between 550 kilocycles and 1,500 kilocycles. Canada uses 6 exclusively, leaving for the United States at the present time 90. Mexico demanded 12 of these 90 for the exclusive use of Mexico, and the other Central American countries required additional numbers. It would have meant that the number of channels available to the United States would have been reduced from 90 to probably 60, if we had met the demands of all of these countries.

In addition to that, Mexico stated that 6 of the 12 channels were to be used—were to be available for stations along the United States border, indicating that they intended to take care of all the stations then existing and projected along the Mexican border. The United States took the position that it was unfair and unreasonable to expect the United States to clear up or to take stations off of the air which are operating in the public interest in the United States, in order to make frequency space available for stations along the Mexican border which were, in the eyes of the United States, outlaw stations.

The CHAIRMAN. And we could not get together on it?

Mr. JOLLIFFE. And we could not get together; yes, sir.

The CHAIRMAN. And the problem was left to the channels of diplomacy?

Mr. JOLLIFFE. Yes, sir.

The CHAIRMAN. Are there any further questions?

Mr. LEHLBACH. May I ask whether any protest against this bill has been received either by the committee, or whether anyone in opposition is appearing here to-day?

The CHAIRMAN. I have not been informed of any.

STATEMENT OF HENRY A. BELLOWS, NATIONAL ASSOCIATION OF BROADCASTERS

Mr. BELLOWS. My name is Henry A. Bellows; vice president, Columbia Broadcasting System, and chairman of the legislative committee of the National Association of Broadcasters, and also a former member of the Federal Radio Commission. So I have seen this thing from several angles.

The attitude of the National Association of Broadcasters toward this proposal is, of course, entirely sympathetic. If the committee desires, I will introduce the list of members of the National Association of Broadcasters; but, if you do not want to clutter up the record, I will simply say the whole thing was printed a couple of weeks ago in the Senate committee's report of the hearing on the food, drugs, and cosmetics bill. So it is already in the record. I have it here if you want it; but I do not care about filing it, unless you want it for the record.

The CHAIRMAN. Without objection, it will be made a part of the record.

(The list above referred to is as follows:)

LIST OF ACTIVE MEMBERS OF THE NATIONAL ASSOCIATION OF BROADCASTERS
(AS OF NOV. 16, 1933)

Station WAAB, 500 watts, regional; Roy L. Harlow, assistant to president, Bay State Broadcasting Corporation, Boston, Mass.

Station WAAF, 500 watts, regional; W. E. Hutchinson, general manager, Drovers Journal Publishing Co., Chicago, Ill.

Station WAAT, 300 watts, regional; Paul H. La Stayo, general manager, Bremer Broadcasting Corporation, Jersey City, N.J.

Station WAAW, 500 watts, clear; F. P. Manchester, secretary, Omaha Grain Exchange, Omaha, Nebr.

Station WABC, 50 kilowatts, clear; Atlantic Broadcasting Corporation, 485 Madison Avenue, New York, N.Y.

Station WABI, 100 watts, local; F. B. Simpson, manager, first Universalist Society of Bangor, Bangor, Maine.

Station WADC, 1 kilowatt, regional; Allen T. Simmons, president, Box 29, Akron, Ohio.

Station WAIU, 500 watts, clear; Eric S. Howlett, station manager, Associated Radiocasting Corporation, Columbus, Ohio.

Station WAPI, 5 kilowatts, clear; B. H. Hopson, president, WAPI Broadcasting Corporation, Birmingham, Ala.

Station WBBM, 25 kilowatts, clear; H. Leslie Atlass, WBBM Broadcasting Corporation, 410 North Michigan Avenue, Chicago, Ill.

Station WBBZ, 100 watts, local; C. L. Carrell, manager, Ponca City, Okla.

Station WBCM, 500 watts, regional; Stanley F. Northcott, general manager, James E. Davidson, owner; Hotel Wenonah, Bay City, Mich.

Station WBEN, 1 kilowatt, regional; Edgar H. Twamley, director; WBEN, Inc., Buffalo, N.Y.

Station WBEO, 100 watts, local; Leo G. Brett, manager, Lake Superior Broadcasting Co., Marquette, Mich.

Station WBNX, 250 watts, regional; W. C. Alcorn, vice president, Standard Canill Co., New York, N.Y.

Station WBOW, 110 watts, local; W. K. Behrman, vice president, Banks of Wabash, Inc., Terre Haute, Ind.

Station WBRE, 100 watts, local; Louis G. Baltimore, president, 16 North Main Street, Wilkes-Barre, Pa.

Station WBT, 25 kilowatts, clear; W. A. Schudt, Jr., general manager, WBT, Inc., Charlotte, N.C.

Station WBTM, 100 watts, local; S. C. Ondarcho, general manager, Piedmont Broadcasting Corporation, Danville, Va.

Station WCAE, 1 kilowatt, regional; WCAE, Inc., P.O. Box 1133, Pittsburgh, Pa.

Station WCAH, 500 watts, regional; Fred A. Palmer, general manager, Commercial Radio Service Co., 33 West Spring Street, Columbus, Ohio.

Station ACAO, 250 watts, regional; J. Thomas Lyons, executive vice president, Monumental Radio Co., Baltimore, Md.

Station WCAU, 50 kilowatts, clear; Dr. Leon Levy, president, WCAU Broadcasting Co., Philadelphia, Pa.

Station WCAX, 100 watts, local; H. Nelson Jackson, president, Burlington Daily News, Inc., Burlington, Vt.

Station WCBA, 250 watts, regional; B. Bryan Musselman, owner, Allentown, Pa.

Station WCBM, 100 watts, 250 watts local sunset, local; John Elmer, president, Baltimore Broadcasting Corporation, Baltimore, Md.

Station WCCO, 50 kilowatts, clear; E. H. Gammons, vice president, Northwestern Broadcasting Incorporated, Minneapolis, Minn.

Station WCKY, 5 kilowatts, regional; L. B. Wilson, president, L. B. Wilson, Inc., WCKY Building, Covington, Ky.

Station WCLO, 100 watts, local; H. H. Bliss, president, WCLO Radio Corporation, Janesville, Wis.

Station WCNW, 100 watts, local; L. W. Berne, manager, Arthur Faske, owner, 1525 Pitkin Avenue, Brooklyn, N.Y.

Station WCRW, 100 watts, local; Clinton R. White, owner, 2756 Pine Grove Avenue, Chicago, Ill.

Station WCSH, 1 kilowatt, 2½ kilowatts local sunset, regional; Henry P. Rines, president, Congress Square Hotel Co., Portland, Maine.

Station WDAF, 1 kilowatt, regional; H. Dean Fitzer, director, Kansas City Star Co., Kansas City, Mo.

- Station WDAY, 1 kilowatt, regional; E. C. Reineke, manager, WDAY, Inc., Fargo, N. Dak.
- Station WDBJ, 500 watts, regional; Junius P. Fishburn, president, Times-World Corporation, Roanoke, Va.
- Station WBGY, 1 kilowatt, clear; Dr. George W. Young, owner, 2219 Bryant Avenue, North, Minneapolis, Minn.
- Station WDOD, 1 kilowatt, 2½ kilowatts local sunset, regional; N. A. Thomas, president, Wood Broadcasting Corporation, Chattanooga, Tenn.
- Station WDRC, 1 kilowatt, regional; F. M. Doolittle, president, WDRC, Inc., 11 Asylum St., Hartford, Conn.
- Station WDE, 100 watts, local; James L. Bush, owner, Tuscola, Ill.
- Station WEAf, 50 kilowatts, clear; National Broadcasting Co., Inc., 30 Rockefeller Plaza, New York, N. Y.
- Station WEAN, 250 watts, 500 watts, local sunset, regional; James Jennison, station supervisor, Shepard Broadcasting Service, Inc., Providence, R. I.
- Station WEBC, 1 kilowatt, 2½ kilowatts local sunset, regional; W. C. Bridges, general manager, Head of the Lakes Broadcasting Co., Superior, Wis.
- Station WEBQ, 100 watts, local; Inglis M. Taylor, manager, Harrisburg Broadcasting Co., Harrisburg, Ill.
- Station WEBR, 100 watts, 250 watts local sunset, local; H. H. Howell, president, Howell Broadcasting Co., Inc., Buffalo, N. Y.
- Section WEEI, 1 kilowatt, regional; Joseph B. Groce, head of Public Relations Bureau, Edison Electric Illumination Co. of Boston, Boston, Mass.
- Station WEEU, 1 kilowatt, clear; Clifford M. Chafey, president, Berks Broadcasting Co., Reading, Pa.
- Station WEHC, 55 watts, regional; John T. Elsröad, manager, Community Broadcasting Corporation, Charlottesville, Va.
- Station WELL, 50 watts, local; A. L. Miller, president, Enquirer-News Co., Battle Creek, Mich.
- Station WENR, 50 kilowatts, clear; Niles Trammel, vice president, National Broadcasting Co., Inc., Chicago, Ill.
- Station WESG, 1 kilowatt, clear; John T. Galkins, vice president, WESG, Inc., Elmira, N. Y.
- Station WEVD, 500 watts, regional; Alexander Kahn, vice president, Debs Memorial Radio Fund, Inc., 225 Broadway, New York, N. Y.
- Station WFAA, 50 kilowatts, clear; Martin B. Campbell, general Manager, Dallas-News Journal, Dallas, Tex.
- Station WFBC, 100 watts, 250 watts local sunset, local; B. H. Peace, Jr., manager, Greenville News-Piedmont Co., Greenville, S. C.
- Station WFBG, 100 watts, local; Roy F. Thompson, managing director, Gable Broadcasting Co., Altoona, Pa.
- Station WFBL, 1 kilowatt, 2½ kilowatts local sunset, regional; S. Woodworth, general manager, Onondaga Radio Broadcasting Corporation, Syracuse, N. Y.
- Station WFBM, 1 kilowatt, regional; R. E. Blossom, manager, Indianapolis Power & Light Co., Indianapolis, Ind.
- Station WFBR, 500 watts, regional; Baltimore Radio Shoe Inc., 7 St. Paul Street, Baltimore, Md.
- Station WFDF, 100 watts, local; H. M. Loeb, managing director, Flint Broadcasting Co., Flint, Mich.
- Station WFI, 500 watts, regional; Ednyfed Lewis, director, WFI Broadcasting Co., Philadelphia, Pa.
- Station WFIW, 1 kilowatt, regional; Nathan Lord, secretary-treasurer, WFIW, Inc., Brown Hotel, Louisville, Ky.
- Station WGAL, 100 watts, local; I. Z. Buckwalter, treasurer, WGAL, Inc., 8 West King Street, Lancaster, Pa.
- Station WGAR, 500 watts, 1 kilowatt local sunset, regional; John F. Patt, president, WGAR Broadcasting Co., Inc., Cleveland, Ohio.
- Station WGBF, 500 watts, regional; Clarence Leich, director, Evansville on the Air, Inc., Evansville, Ind.
- Station WGBI, 250 watts, regional; Frank Megargee, president, Scranton Broadcasters Inc., Scranton, Pa.
- Station WGH, 100 watts, local; Edward E. Bishop, president, Hampton Roads Broadcasting Corporation, Newport News, Va.
- Station WGN, 25 kilowatts, clear, Quin A. Ryan, director, WGN, Inc., Chicago, Ill.
- Station WGR, 1 kilowatt, regional; I. R. Lounsberry, executive vice president, Buffalo Broadcasting Corporation, Buffalo, N. Y.

Station WHAS, 25 kilowatts, clear; Credo Harris, manager, Louisville Times & Courier Journal Co., Louisville, Ky.

Station WHB, 500 watts, clear; Donald D. Davis, president, WHB Broadcasting Co., Kansas City, Mo.

Station WHBC, 100 watts, local; Rev. E. P. Graham, 319 Tuscarawas Street, West, Canton, Ohio.

Station WHBF, 100 watts, local; James L. Hughes, general manager, Rock Island Broadcasting Co., Rock Island, Ill.

Station WHBL, 500 watts, regional; Press Publishing Co., Sheboygan, Wis.

Station WHBU, 100 watts, local; A. L. McKee, manager, Anderson Broadcasting Corporation, Box 815, Anderson, Ind.

Station WHBY, 100 watts, local; Rev. James A. Wagner, managing director, WHBY, Inc., Green Bay, Wis.

Station WHFC, 100 watts, local; R. W. Hoffman, owner, WHFC, Inc., 6138 West Twenty-second Street, Cicero, Ill.

Station WHK, 1 kilowatt, 2½ kilowatts local sunset, regional; M. A. Howlett, president, Radio Air Service Corporation, Cleveland, Ohio.

Station WHN, 250 watts, regional; George Scoubel, director, Marcus Loew Booking Agency, 1540 Broadway, New York, N.Y.

Station WHOM, 250 watts, regional; Harry F. O'Mealia, president, New Jersey Broadcasting Corporation, 2854 Hudson Boulevard, Jersey City, N.J.

Station WHP, 500 watts, 1 kilowatt local sunset, regional; Edward J. Stackpole, Jr., secretary-treasurer, WHP, Inc., 220 Telegraph Building, Harrisburg, Pa.

Station WIAS, 100 watts, local; Gardner Cowles, Jr., president, Iowa Broadcasting Co., Des Moines, Iowa.

Station WIBA, 500 watts, 1 kilowatt local sunset, W. E. Walker, business manager, Badger Broadcasting Co., Inc., Madison, Wis.

Station WIBM, 100 watts, local; C. A. Hill, manager, WIBM, Inc., Jackson, Mich.

Station WIBW, 1 kilowatt, regional; Don Searle, general manager, Topeka Broadcasting Association, Inc., Topeka, Kans.

Station WICC, 250 watts, 500 watts local sunset, regional; Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.

Station WIL, 200 watts, 250 watts local sunset, local; L. A. Benton, president, Missouri Broadcasting Corporation, St. Louis, Mo.

Station WIND, 1 kilowatt, 1½ kilowatts local sunset, regional; Johnson-Kennedy Radio Corporation, Chicago, Ill.

Station WIP, 500 watts, regional; H. Bart McHugh, Jr., president, Pennsylvania Broadcasting Co., Philadelphia, Pa.

Station WJAC, 100 watts, local; J. C. Tully, manager, WJAC, Inc., Johnstown, Pa.

Station WJAG, 1 kilowatt, clear; Gene Huse, president, Huse Publishing Co., Norfolk, Nebr.

Station WJAR, 250 watts, 500 watts local sunset, regional; Joseph S. Gettler, managing director, the Outlet Co., Providence, R.I.

Station WJAS, 1 kilowatt, 2½ kilowatts local sunset, regional; H. J. Brennen, general manager, Pittsburgh Radio Supply House, Pittsburgh, Pa.

Station WJAY, 500 watts, regional; G. C. Melrose, manager, Cleveland Radio Broadcasting Corporation, Cleveland, Ohio.

Station WJBK, 50 watts, local; James F. Hopkins, manager, James F. Hopkins, Inc., Hotel Fort Shelby, Detroit, Mich.

Station WJDX, 1 kilowatt, regional; W. P. Harris, director, Lamar Life Insurance Co., Jackson, Miss.

Station WJMS, 100 watts, local; N. C. Ruddell, secretary-manager, WJMS, Inc., Ironwood, Mich.

Station WJR, 10 kilowatts, clear; Leo Fitzpatrick, vice president, WJR, the Goodwill Station, Inc., Fisher Building, Detroit, Mich.

Station WJSV, 10 kilowatts, regional; Harry C. Butcher, general manager, Old Dominion Broadcasting Co., Earle Building, Washington, D.C.

Station WJZ, 30 kilowatts, clear; A. L. Ashby, vice president, National Broadcasting Co., Inc., 30 Rockefeller Plaza, New York, N.Y.

Station WKBF, 500 watts, regional; D. E. Kendrick, general manager, Indianapolis Broadcasting Co., Indianapolis, Ind.

Station WKBN, 500 watts, regional; Warren P. Williamson, Jr., president, WKBN Broadcasting Corporation, Youngstown, Ohio.

Station WKJC, 100 watts, local; A. Z. Moore, president, Lancaster Broadcasting Service, Lancaster, Pa.

Station WKRC, 500 watts, 1 kilowatt experimental, regional; E. S. Mitten-dorf, president, WKRC, Inc., Cincinnati, Ohio.

Station WKY, 1 kilowatt, regional; Edgar T. Bell, business manager, WKY Radiophone Co., Oklahoma City, Okla.

Station WKZO, 1 kilowatt, regional; John E. Fetzer, president, WKZO, Inc., Kalamazoo, Mich.

Station WLAV, 5 kilowatts, regional; J. T. Ward, vice president Life & Casualty Insurance Co., Nashville, Tenn.

Station WLAP, 100 watts, 250 watts, local sunset, local; Charles C. Leonard, secretary-treasurer American Broadcasting Corporation of Kentucky, 1109 Kentucky Home Life Building, Louisville, Ky.

Station WLBK, 100 watts, local; Herbert Hollister, general manager WLBK Broadcasting Co., Huron Building, Kansas City, Kans.

Station WLSW, 500 watts, 1 kilowatt, local sunset, regional; Herluf Provensen, general manager Broadcasters of Pennsylvania, Inc., Lawrence Hotel, Erie, Pa.

Station WLIT, 500 watts, regional; Mrs. A. T. Hild, president Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.

Station WLOE, 100 watts, 250 watts, local sunset, local; William B. Pote, treasurer Boston Broadcasting Co., 21 Beacon Street, Boston, Mass.

Station WLS, 50 kilowatts, clear; Glenn Snyder, station manager Agricultural Broadcasting Co., Agricultural Building, Chicago, Ill.

Station WLTH, 500 watts, regional; S. J. Gallard, president, Voice of Brooklyn, Inc., Brooklyn, N.Y.

Station WLVA, 100 watts, local; Philip P. Allan, secretary-treasurer Lynch-burg Broadcasting Corporation, Lynchburg, Va.

Station WLW, 50 kilowatts, clear; John L. Clark, general manager Crosley Radio Corporation, Cincinnati, Ohio.

Station WMAL, 250 watts, 500 watts, local sunset, regional; Kenneth Berkley, manager National Broadcasting Co., Inc., National Press Building, Washing-ton, D.C.

Station WMAQ, 5 kilowatts, clear; National Broadcasting Co., Inc., 222 North Bank Drive, Chicago, Ill.

Station WMAS, 100 watts, local, Albert S. Moffatt, owner WMAS, Inc., 568 Commonwealth Avenue, Boston, Mass.

Station WMAZ, 500 watts, clear, Edward K. Cargill, president, Southeastern Broadcasting Co., Inc., 211 Cotton Avenue, Macon, Ga.

Station WMBC, 100 watts, 250 watts L.S., local, W. W. Gedge, secretary-general manager, Michigan Broadcasting Co., 7310 Woodward Avenue, Detroit, Mich.

Station WMBD, 500 watts, 1 kilowatt L.S., regional, Edgar L. Bill, president, Peoria Broadcasting Co., Peoria, Ill.

Station WMBG, 100 watts, local, Wilbur M. Havens, president, Havens & Martin, Inc., Richmond, Va.

Station WMBQ, 100 watts, local, Paul J. Gollhofer, owner, 95 Leonard Street, Brooklyn, N.Y.

Station WMC, 500 watts, 1 kilowatt L.S., regional, H. W. Slavick, general manager, WMC, Inc., Memphis, Tenn.

Station WMCA, 500 watts, regional, Donald Flamm, president, Knicker-bocker Broadcasting Co., Inc., 1697 Broadway, New York, N.Y.

Station WMT, 500 watts, regional, Harry Shaw, president, Waterloo Broad-casting Co., Waterloo, Iowa.

Station WNAC, 1 kilowatt, regional, John Shepard III, president, Shepard Broadcasting Service, Inc., Boston, Mass.

Station WNAX, 1 kilowatt, 2½ kilowatts, L.S., regional, L. C. Morrison, commercial manager, House of Gurney, Inc., Yankton, S.Dak.

Station WNBK, 100 watts, local, C. D. Mastin, manager, Howitt-Wood Radio Co., Inc., Binghamton, N.Y.

Station WNBH, 100 watts, 250 watts L.S., local, Irving Vermilyn, owner, New Bedford Broadcasting Co., New Bedford, Mass.

Station WNBR, 500 watts, regional, Mallory Chamberlin, president, Memphis Broadcasting Co., Inc., Hotel DeVoy, Memphis, Tenn.

Station WOAX, 50 kilowatts, clear, Hugh A. L. Halff, Southern Industries, Inc., San Antonio, Tex.

Station WOC-WHO, 5 kilowatts, clear, J. O. Maland, sales manager, Central Broadcasting Co., Des Moines, Iowa.

Station WOKO, 500 watts, regional, H. E. Smith, general manager, WOKO, Inc., Ten Eyck Hotel, Albany, N.Y.

Station WOL, 100 watts, local, LeRoy Mark, president, American Broadcasting Co., Annapolis Hotel, Washington, D.C.

Station WOPI, 100 watts, local, W. A. Wilson, vice president, Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.

Station WOR, 5 kilowatts, clear, A. J. McCosker, president, Bamberger Broadcasting Service, Inc., 1440 Broadway, New York, N.Y.

Station WORC, 100 watts, local, Alfred F. Kleindienst, owner, 60 Franklin Street, Worcester, Mass.

Station WOW, 1 kilowatt, regional, William Ruess, personal director, Woodmen of the World Life Insurance Association, Omaha, Nebr.

Station WPEN, 100 watts, 250 watts, L.S., local, Paul F. Harron, vice president, Wm. Penn Broadcasting Co., 217 South Broad St., Philadelphia, Pa.

Station WPG, 5 kilowatts, clear, Edwin M. Spence, vice president, WPG Broadcasting Corporation, Atlantic City, N.J.

Station WPRO, 100 watts, local, Paul Cury, station director, Cherry & Webb Broadcasting Corporation, Providence, R.I.

Station WPTF, 1 kilowatt, clear, H. K. Carpenter, manager, WPTF Radio Co., Raleigh, N.C.

Station WQAM, 1 kilowatt, regional, F. W. Borton, president, Miami Broadcasting Co., Inc., Miami, Fla.

Station WRAK, 100 watts, local; Clarence R. Cummins, owner, WRAK, Inc., Williamsport, Pa.

Station WRAM, 100 watts, local; E. W. Carr, vice president, Wilmington Radio Association, Inc., Wilmington, N.C.

Station WRBL, 100 watts, local; David Farmer, director, WRBL Radio Station, Inc., Columbus, Ga.

Station WRC, 500 watts, regional; Frank M. Russell, vice president, National Broadcasting Co., Inc., National Press Building, Washington, D.C.

Station WREC, 500 watts, regional; Hoyt B. Wooten, president, WREC, Inc., Hotel Peabody Building, Memphis, Tenn.

Station WREN, 1 kilowatt, regional; Vernon H. Smith, manager, Jenny Wren Co., Lawrence, Kans.

Station WRJN, 100 watts, local; H. S. Mann, secretary-treasurer, Racine Broadcasting Corporation, Racine, Wis.

Station WRVA, 5 kilowatts, clear; C. T. Lucy, station manager, Larus & Bro. Co., Inc., Richmond, Va.

Station WSAI, 500 watts, regional; John L. Clark, general manager, Crosley Radio Corporation, Cincinnati, Ohio.

Station WSAR, 250 watts, regional; William T. Welch, treasurer, Doughty & Welch Electric Co., Inc., 10 Bedford Street, Fall River, Mass.

Station WSB, 50 kilowatts, clear; Lambdin Kay, director, Atlanta Journal Co., Atlanta, Ga.

Station WSBC, 100 watts, local; F. A. Stanford, managing director WSBC, Inc., Hotel Crillon, Chicago, Ill.

Station WSFA, 500 watts, regional; S. G. Persons, president Montgomery Broadcasting Co., Inc., Montgomery, Ala.

Station WSM, 50 kilowatts, clear; C. R. Clements, vice president National Life & Accident Insurance Co., Nashville, Tenn.

Station WSMB, 500 watts, regional; H. Wheelahan, manager WSMB, Inc., New Orleans, La.

Station WSOC, 100 watts, local; R. S. Morris, secretary WSOC, Inc., Charlotte, N.C.

Station WSPD, 1 kilowatt, regional; J. H. Ryan, vice president Toledo Broadcasting Co., Toledo, Ohio.

Station WSUN, 250 watts, Station WFLA, 500 watts local sunset, regional; Carl Fritz, director, city of St. Petersburg, City Hall, St. Petersburg, Fla.

Station WTAG, 250 watts, 500 watts local sunset, regional; J. J. Storey, general manager Worcester Telegram Publishing Co., Inc., Worcester, Mass.

Station WTAM, 50 kilowatts, clear; W. W. Smith, manager National Broadcasting Co., Inc., Cleveland, Ohio.

Station WTAX, 100 watts, local; J. A. Johnson, president WTAX, Inc., 416 East Capitol Avenue, Springfield, Ill.

Station WTIC, 50 kilowatts, clear; Paul W. Morency, general manager Travelers Insurance Co., Hartford, Conn.

Station WTMJ, 1 kilowatt, 2½ kilowatts local sunset, regional; Walter J. Damm, promotion manager Milwaukee Journal Co., Milwaukee, Wis.

Station WTOG, 500 watts, regional; W. T. Knight, Jr., president Savannah Broadcasting Co., Inc., Savannah, Ga.

Station WTRC, 100 watts, local; R. R. Baker, manager Truth Radio Corporation, Elkhart, Ind.

Station WWJ, 1 kilowatt, regional; J. B. Webb, manager Evening News Association, Inc., Detroit, Mich.

Station WWL, 10 kilowatts, clear; Rev. W. A. Burke, Loyola University, Roosevelt Hotel, New Orleans, La.

Station WWRL, 100 watts, local; William H. Reuman, president Long Island Broadcasting Corporation, Woodside, N.Y.

Station WXYZ, 1 kilowatt, regional; George W. Treadle, president and general manager Kinsky-Treadle Broadcasting Corporation, Detroit, Mich.

Station KBTM, 100 watts, local; Jay P. Beard, manager Beard's Temple of Music, Paragould, Ark.

Station KCMC, 100 watts, local; M. P. Mims, general manager North Mississippi Broadcasting Corporation, Texarkana, Ark.

Station KDB, 100 watts, local; Frank C. McBride, manager Santa Barbara Broadcastings, Ltd., Santa Barbara, Calif.

Station KDFN, 500 watts, regional; Donald L. Hathaway, owner, Casper, Wyo.

Station KDKA, 50 kilowatts, clear; William S. Hedges, general manager National Broadcasting Co., Inc., William Penn Hotel, Pittsburgh, Pa.

Station KDRL, 100 watts, local; Bert Wick, director KDRL, Inc., Devils Lake, N.Dak.

Station KDYL, 1 kilowatt, regional; Philip G. Lasky, director Intermountain Broadcasting Corporation, Salt Lake City, Utah.

Station KECA, 1 kilowatt, regional; Arthur F. Kales, station manager Earle C. Anthony, Inc., 1000 South Hope Street, Los Angeles, Calif.

Station KERN, 100 watts, local; Norman McLaughlin, manager Bee Bakersfield Broadcasting Co., Bakersfield, Calif.

Station KFAB, 5 kilowatts, clear; Dietrich Dirks, station director KFAB Broadcasting Co., Lincoln, Nebr.

Station KFBB, 1 kilowatt, 2½ kilowatts, local sunset, regional; Mrs. Jessie Jacobson, manager Buttrey Broadcast, Inc., Great Falls, Mont.

Station KFBK, 100 watts, local; G. C. Hamilton, business manager James McClatchy Co., Sacramento, Calif.

Station KFEL, 500 watts, regional; Eugene P. O'Fallon, president, Eugene P. O'Fallon, Inc., Denver, Colo.

Station KFI, 50 kilowatts, clear; Earle C. Anthony, president, Earle C. Anthony, Inc., Los Angeles, Calif.

Station KFJR, 500 watts, regional; Ashley C. Dixon, president, KFJR, Inc., Portland, Ore.

Station KFJZ, 100 watts, local; R. S. Bishop, president, Fort Worth Broadcasters, Inc., Fort Worth, Tex.

Station KFKA, 500 watts, 1 kilowatt local sunset, regional; H. E. Green, managing director, Mid-Western Radio Corporation, 620 Eight Avenue, Greeley, Colo.

Station KFNF, 500 watts, 1 kilowatt local sunset, regional; F. E. Tunncliff, treasurer, Henry Field Co., Shenandoah, Iowa.

Station KFPL, 100 watts, local; C. C. Baxter, director, KFPL Broadcasting Station, Dublin, Tex.

Station KFPW, 100 watts, local; John A. England, manager, Southwestern Hotel Co., Fort Smith, Ark.

Station KFPY, 1 kilowatt, regional; T. W. Symons, Jr., president, Symons Broadcasting Co., Spokane, Wash.

Station KFRC, 1 kilowatt, regional; Harrison Holliway, manager, Don Lee Broadcasting System, 1000 Van Ness Avenue, San Francisco, Calif.

Station KFSD, 1 kilowatt, regional; Thomas E. Sharp, Airfan Radio Corporation, San Diego, Calif.

Station KFVD, 250 watts, clear; George L. Moskovics, general manager, Los Angeles Broadcasting Co., Inc., 645 South Mariposa Avenue, Los Angeles, Calif.

Station KFVS, 100 watts, local; Oscar C. Hirsch, manager, Hirsch Battery & Radio Co., Cape Girardeau, Mo.

Station KFVB, 1 kilowatt, regional; Gerald King, manager, Warner Bros. Broadcasting Corporation, Los Angeles, Calif.

Station KFYO, 100 watts, 250 watts, local sunset, local; T. W. Kirksey, director, Lubbock, Tex.

Station KFYR, 1 kilowatt, 2½ kilowatts local sunset, regional, P. J. Meyer, president, Meyer Broadcasting Co., Bismarck, N.Dak.

Station KGA, 5 kilowatts, regional; H. I. Milholland, manager, Northwest Broadcasting System, Inc., Spokane, Wash.

Station KGB, 1 kilowatt, regional; Lincoln Dollar, manager, Don Lee Broadcasting System, 112 First Street, San Diego, Calif.

Station KGBX, 100 watts, local; R. D. Foster, president, KGBX, Inc., Springfield, Mo.

Station KGCK, 100 watts, local; E. E. Krebsbach, manager, Wolf Point, Mont.

Station KGEZ, 100 watts, local; Donald C. Treloar, manager, Kalispell, Mont.

Station KGFJ, 100 watts, local; Ben S. McGlashan, manager, 1417 South Figueroa Street, Los Angeles, Calif.

Station KGFK, 100 watts, local; C. E. Kistler, manager, Red River Broadcasting Co., Inc., Moorhead, Minn.

Station KGFW, 100 watts, local; Charles R. Wareham, manager, Central Nebraska Broadcasting Corporation, Kearney, Nebr.

Station KGGC, 100 watts, local; W. N. McGill, general manager, Golden Gate Broadcasting Co., San Francisco, Calif.

Station KGGF, 500 watts, 1 kilowatt local sunset, regional; Hugh J. Powell, manager, Powell & Platz, Coffeyville, Kans.

Station KGHL, 1 kilowatt, 2½ kilowatts local sunset, regional; C. O. Campbell, vice president, Northwestern Auto Supply Co., Inc., Billings, Mont.

Station KGIR, 500 watts, 1 kilowatt local sunset, regional; E. B. Craney, manager, KGIR, Inc., Butte, Mont.

Station KGMB, 250 watts, regional; A. Henley, general manager, Honolulu Broadcasting Co., Ltd., 119 Marchant Street, Honolulu, T. H.

Station KGO, 7½ kilowatts, clear; Don E. Gilman, vice president, National Broadcasting Co., Inc., 111 Sutter Street, San Francisco, Calif.

Station KGRS, 1 kilowatt, regional; E. B. Gish, owner, Gish Radio Service, Bellaire Park, Amarillo, Tex.

Station KGVO, 100 watts, local; A. J. Mosby, manager, Mosby's, Inc., 240 North Higgins Street, Missoula, Mont.

Station KGW, 1 kilowatt, regional; C. O. Chatterton, business manager, Oregonian Publishing Co., Portland, Oreg.

Station KHJ, 1 kilowatt, regional; W. J. Gleason, Don Lee Broadcasting System, Seventy-fifth at Bixel Street, Los Angeles, Calif.

Station KHQ, 1 kilowatt, 2 kilowatts local sunset, regional; Louis Wasmer, president Louis Wasmer, Inc., Spokane, Wash.

Station KID, 250 watts, 500 watts local sunset, regional; Jack W. Duckworth, president Kid Broadcasting Co., Inc., Idaho Falls, Idaho.

Station KJBS, 100 watts, clear; Ralph R. Brunton, general manager Julius Brunton & Sons Co., San Francisco, Calif.

Station KLUF, 100 watts, local; George Roy Clough, owner, Galveston, Tex.

Station KLZ, 1 kilowatt, regional; F. W. Meyer, Reynolds Radio Co., Inc., Denver, Colo.

Station KMAC, 100 watts, local; Howard W. Davis, manager, W. W. McAllister, owner, San Antonio, Tex.

Station KMB, 1 kilowatt, regional; Arthur B. Church, vice president Midland Broadcasting Co., Kansas City, Mo.

Station KMED, 100 watts, local; Mrs. W. J. Virgin, manager Virgin's Broadcasting station, Medford, Oreg.

Station KMJ, 500 watts, regional; Ed S. Riggins, business manager James McClatchy Co., Fresno, Calif.

Station KMOX, 50 kilowatts, clear; J. L. Van Volkenburg, director of sales, Voice of St. Louis, Inc., St. Louis, Mo.

Station KOIL, 1 kilowatt, regional; John Henry, president Mona Motor Oil Co., Council Bluffs, Iowa.

Station KOIN, 1 kilowatt, regional; C. R. Hunt, general manager Koin, Inc., Portland, Oreg.

Station KOL, 1 kilowatt, regional; Archie Taft, Seattle Broadcasting Co., Inc., Seattle, Wash.

Station KOMO, 1 kilowatt, regional; Birt F. Fisher, business manager Fisher's Blend Station, Inc., Seattle, Wash.

Station KPO, 50 kilowatts, clear; Don E. Gilman, vice president National Broadcasting Co., Inc., San Francisco, Calif.

Station KPQ, 100 watts, local; Cole E. Wylie, manager Wescoast Broadcasting Co., Wenatchee, Wash.

Station KPRC, 1 kilowatt, 2½ kilowatts, local sunset, regional; G. E. Zimmerman, general manager Houston Printing Co., Houston, Tex.

Station KQV, 500 watts, regional; Kov Broadcasting Co., Pittsburgh, Pa.

Station KRSC, 100 watts, regional; Robert E. Priebe, manager Radio Sales Corporation, Seattle, Wash.

Station KSD, 500 watts, regional; William H. West, the Pulitzer Publishing Co., Twelfth and Olive Streets, St. Louis, Mo.

Station KSEI, 250 watts, 500 watts, local sunset, regional; Robert E. Lee, Jr., general manager Radio Service Corporation, Pocatello, Idaho.

Station KSL, 50 kilowatts, clear; Earl J. Glade, managing director Radio Service Corporation of Utah, Salt Lake City, Utah.

Station KSO, 100 watts, 250 watts, local sunset, local; James C. Hanrahan, executive vice president Iowa Broadcasting Co., Des Moines, Iowa.

Station KSOO, 2½ kilowatts, clear; Joseph Henkin, manager Sioux Falls Broadcasting Association, Sioux Falls, S.Dak.

Station KSTP, 10 kilowatts, 25 kilowatts, local sunset, experimental, regional; Stanley E. Hubbard, vice president National Battery Broadcasting Co., St. Paul, Minn.

Station KTAB, 1 kilowatt, regional; Bob Roberts, general manager Associated Broadcasters, Inc., San Francisco, Calif.

Station KTAR, 500 watts, 1 kilowatt, local sunset, regional; Richard O. Lewis, general manager Ktar Broadcasting Co., Phoenix, Ariz.

Station KTBS, 1 kilowatt, regional; F. H. Ford, president, Tri-State Broadcasting System, Inc., post office box 1642, Shreveport, La.

Station KUJ, 100 watts, local; H. E. Studebaker, manager KUJ, Inc., Walla Walla, Wash.

Station KVOO, 5 kilowatts, clear; William B. Way, general manager Southwestern Sales Corporation, Tulsa, Okla.

Station KVOS, 100 watts, local; KVOS, Inc., Bellingham, Wash.

Station KWCR, 100 watts 250 WLS, local; S. D. Quarton, president, Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.

Station KWG, 100 watts, local, Bernard Cooney, manager, Portable Wireless Telephone Co., Inc., Stockton, Calif.

Station KWK, 1 kilowatt, regional; Thomas P. Convay, president, Thomas Patrick (Inc.), St. Louis, Mo.

Station KWWG, 500 watts, regional, Frank P. Jackson, manager, 11th & Levee Streets, Brownsville, Tex.

ACTIVE MEMBERS AFFILIATED WITH THE BROADCASTING INDUSTRY BUT NOT OWNING OR OPERATING STATIONS

Electrical Research Products Inc., 250 West Fifty-seventh Street, New York, N.Y.

Jansky & Bailey, 922 National Press Building, Washington, D.C.

M. A. Leese, 614 Ninth Street, NW., Washington D.C.

John V. L. Hogan, President, Radio Station WQXR, Radio Pictures, Inc., 41 Park Row, New York, N.Y.

Harry Sadenwater, manager, Engineering Products Division, R.C.A.—Victor Company, Inc.

P. L. Thomson, director of public relations, Western Electric Co., 195 Broadway, New York, N.Y.

P. L. Deutsch, President, World Broadcasting System, Fuller Building, New York, N.Y.

LIST OF ASSOCIATE MEMBERS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

Station WAWZ, 250 watts, regional; Ray B. White, Pillar of Fire, Zarephath, N.J.

Station WCAL, 1 kilowatt, regional; M. C. Jensen, manager, St. Olaf College, Northfield, Minn.

Station WCAO, 500 watts, regional; Pensacola Broadcasting Co., Pensacola, Fla.

Station WEW, 1 kilowatt, day; George Rueppel, manager, St. Louis University, St. Louis, Mo.

Station WHAD, 250 watts, regional; A. H. Poetker, Director, Marquette University, Milwaukee, Wis.

Station WILL, 250 watts, 1 kilowatt LS, regional; Josef A. Wright, University of Illinois, Urbana, Ill.

Station WKAR, 1 kilowatt, day; P. J. Baldwin, chairman supervision committee, Michigan State College, East Lansing, Mich.

Station WLB, 1 kilowatt, regional; University of Minnesota, Minneapolis, Minn.

Station WMBI, 5 kilowatts, clear; H. C. Crowell, manager, Moody Bible Institute Radio Station, Chicago, Ill.

Station WOI, 5 kilowatts, clear; W. I. Griffith, manager, Iowa State College of Agriculture & Mechanic Arts, Ames, Iowa.

Station WOS, 500 watts, regional; Pem Gordon, Missouri State Highway Patrol, Jefferson City, Mo.

Station WOSU, 750 watts, 1 kilowatt LS, regional; R. C. Higgy, director, Ohio State University, Columbus, Ohio.

Station WRUF, 5 kilowatts, clear; Garland Powell, director, University of Florida, Gainesville, Fla.

Station WSUI, 500 watts, regional; State University of Iowa, Iowa City, Iowa.

Station WTAW, 500 watts, regional; F. C. Bolton, director, Agricultural and Mechanical College of Texas, College Station, Tex.

Station KFGQ, 100 watts, local; J. C. Crawford, Boone Biblical College, Boone, Iowa.

Station KFKU, 500 watts, regional; Harold Ingham, University of Kansas, Lawrence, Kans.

Station KFSG, 500 watts, regional; Maurice E. Kennedy, Echo Park Evangelistic Association, Los Angeles, Calif.

Station KFUO, 500 watts, regional; Rev. R. Kretzschmar, chairman, Board of Control, Concordia Theological Seminary, St. Louis, Mo.

Station KOAC, 1 kilowatt, regional; W. L. Kadderly, Oregon State Agricultural College, Corvallis, Ore.

Station KPOF, 500 watts, regional; Ray B. White, Pillar of Fire, Denver, Colo.

Station KUSD, 500 watts, regional; University of South Dakota, electrical engineering department, Vermillion, S.Dak.

Station KWSC, 1 kilowatt, 2 kilowatts LS, regional; F. F. Nalder, State College of Washington, Pullman, Wash.

OFFICERS AND DIRECTORS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

President, Alfred J. McCosker, WOR, New York, N.Y.

First vice president, Leo Fitzpatrick, WJR, Detroit, Mich.

Second vice president, John Shepard, III, WNAC, Boston, Mass.

Treasurer, Isaac D. Levy, WCAU, Philadelphia, Pa.

DIRECTORS

For the 3-year term: William S. Hedges, KDKA, Pittsburgh, Pa.; H. K. Carpenter, WPTF, Raleigh, N.C.; I. R. Lounsberry, WGR, Buffalo, N.Y.; Frank M. Russell, WRC, Washington, D.C.; Arthur B. Church, KMBC, Kansas City, Mo.

For the 2-year term: J. Thomas Lyons, WCAO, Baltimore, Md.; Lambdin Kay, WSB, Atlanta, Ga.; I. Z. Buckwalter, WGAL, Lancaster, Pa.; J. T. Ward, WLAC, Nashville, Tenn.; C. W. Myers, KOIN, Portland, Ore.

For the 1-year term: Henry A. Bellows, Columbia Broadcasting System, Washington, D.C.; E. B. Craney, KGIR, Butte, Mont.; Walter J. Damm, WTMJ, Milwaukee, Wis.; Quin A. Ryan, WGN, Chicago, Ill.; W. W. Gedge, WMBC, Detroit, Mich.

Mr. BELLOWS. In view of the question that was asked by Mr. Lehlbach and the statement made by Dr. Sirovich, which summarizes in a very few words all of the objections that have been raised to this legislation, I want to give just a little of the history.

The first paragraph of this bill, H.R. 7800, is identical with the amendment which was introduced in the Senate to H.R. 7716, in the Seventy-second Congress, second session, and the second paragraph of the present bill simply amplifies the provisions of the first paragraph.

As many of you know, H.R. 7716 passed the House of Representatives on February 10, 1932. It was agreed between the then chairman of the House Committee on Merchant Marine, Radio, and Fisheries, Judge Davis, and representatives of the broadcasting industry, that the bill as passed by the House at that time contained no contro-

versial features and no hearings on it were held or requested. The bill as passed by the House contained no reference to the subject matter which now appears in H.R. 7800.

When H.R. 7716 reached the Senate, it was extensively amended. Of these amendments, by the way, the former chairman of your committee and now Senator, Mr. White, said to me that, in his opinion, everything that the Senate added to a very good House bill was wrong, and most of us, I think, agreed with him.

Among the amendments was a paragraph which appeared as section 15 of the amended bill, which is identical with the first paragraph of this bill. H.R. 7716, as amended, did not pass the Senate during the remainder of that session, and, on December 8, 1932, it was recommitted. At the urgent request of the National Association of Broadcasters hearings were held by the Committee on Interstate Commerce of the Senate on December 22 and 23, 1932. The record shows that 11 Senators were present at that hearing, and the discussion of the paragraph occurs on pages 13 and 14 of the printed record of the hearing.

Special attention is called to the comments of Senator Wheeler and Senator Couzens. I am citing them simply to bring out the point which Dr. Sirovich has already brought out, showing that this thing has been considered a great many times, and the reaction, in many cases, has been just what Dr. Sirovich has stated.

I was testifying before the committee and I read the paragraph in question, and, before I had a chance to say anything, Senator Wheeler said "I never could see any sense in that provision." So I said I would not discuss it, as he stated just what I wanted to say.

Presently the chairman, Senator Couzens, said:

There is a reason for it, but I think it is wholly unworkable. I have talked to Senator Dill about it and it seems to me to be wholly unworkable, because it will simply compel them to move their studios over to the other country.

The discussion went on, and the chairman concluded the episode, after Senator Dill had said I was too technical in my views, by saying:

I think Mr. Bellows is technical, but I think the whole paragraph is unworkable, regardless of his testimony.

The Interstate Commerce Committee of the Senate struck out this clause and reported the bill back to the Senate. The bill came up on the floor of the Senate February 10, 1933, without this clause, and the paragraph which had appeared as section 15 was introduced as an amendment on the floor by Senator Vandenberg. There was practically no discussion either of the committee report or two or three amendments offered from the floor, and the bill and amendments were passed.

The bill went to conference and the managers on the part of the House declined to recede from the House position on the original bill, and this famous amendment was again rejected and the bill was passed without it.

I bring up that matter of history simply to show you that this thing has been under consideration for a good while, and the objections which have been stated by Dr. Sirovich, together with one I want to state, have been very seriously considered.

The only question is whether the bill is workable. Now, as it stands, the broadcasters, as I have said, are wholly in favor of anything which will help solve this Mexican situation. The broadcasters are the principal sufferers. Dr. Jolliffe read a list of the principal stations affected. One of them is owned and operated by a company of which I happen to be president. I am particularly concerned, of course, with Station WCCO in Minneapolis. If this bill will do any good, we are certainly in favor of it; but there are two things I want to point out in connection with it.

The bill provides that no person, and so on, shall be permitted to locate, use or maintain a radio-broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy. That means microphones, and it is the microphone or speech input equipment that converts sound waves into electrical energy. Now that means—and here is where Senator Dill says I am too technical—that means that every microphone used for every pickup of any program that is transmitted to any station beyond the borders of the United States, which station can be readily heard within the United States, must be subject to a special permit from the Radio Commission.

Judge Sykes, Vice Chairman Brown, and Dr. Jolliffe have all assured us that there will be no difficulty whatever about getting permits for all of these broadcasts, which is very pleasant. But both of the national networks, both the National Broadcasting Co. and the Columbia Broadcasting System, are broadcasting programs 18 hours a day, 7 days a week, many of which are carried by a few Canadian stations. Those programs are admittedly of public interest; they are exceedingly valuable to Canadian listeners, and in order to bring the best radio programs of the United States into Canada everybody agrees that they should be so carried. Now, if those programs all originated in 1 spot, or in 2 or 3 spots, it would be perfectly simple. But many of the programs we send to Canada are programs we pick up, with perhaps as many as 20 microphones. For example, we broadcast the inaugural of the President; we have microphones all over Washington. We do not know until the last minute as to where those microphones are going to be located. Now, technically, this bill requires that we get a permit for each piece of equipment we use. Obviously, that is not the intent of the bill.

While I may be technical on this, I want to say that the broadcasters not only want to obey the spirit of the law, but they want to obey the letter of it. They do not want to be found steadily violating the letter of the law through not having secured the necessary special permits.

Mr. SIROVICH. You mean while the present Radio Commission may be honorable in every way, some future Radio Commission may become autocratic and may become too technical and use this very thing against you?

Mr. BELLOWS. It is possible for them to use it against us. We hope they won't do it, remember, and we have watched the Radio Commission for a good while and are fairly hopeful of their future—

The CHAIRMAN. You would never pass any legislation if you are going into that.

Mr. BELLOWS. Exactly. I am not worrying about that; I am worrying about the present situation. For instance, we make a

pick-up, say, from Atlanta, Ga. Take Senator Cohen's station in Atlanta; I speak of that simply because the President was down there, as you know, and we picked up his speech from Atlanta. Now, the microphones we used were not microphones either of the Columbia Broadcasting System or the National Broadcasting Co. That pick-up was made by Senator Cohen's station at the request of the two networks. Technically, every microphone he used was subject to a special permit, and the amendment I have proposed is this, which I think will solve that problem:

On page 2, line 7, after the word "therefor" and the period, add—

Provided, That nothing in this section shall apply to the use of any studio, place or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission.

Mr. RAMSPECK. Let me ask you a question there. As I read section 28 (a) of this bill, the license is not for the apparatus, but for the person, firm, company, or corporation. So that if the two national systems had a license, why no matter where they might locate the microphones, they would still be within the regulations of this bill.

Mr. BELLows. That would be entirely true, Mr. Ramspeck, if those pick-ups to which I refer were made in most cases or in many cases by the network broadcasting companies; but, as you know, in a great many cases the pick-ups are made for the national networks by the local stations. In other words, I have cited the case of the Atlanta pick-up of the broadcast by the President. That was in Savannah, I think—it was either Atlanta or Savannah; but, in either case, the pick-up was made by the local station, and it means that whenever such a thing is done—and sometimes those things are done on very short notice—a special permit would have to be secured.

Now, the amendment we have proposed does not, I believe, weaken in the slightest degree the authority of the Radio Commission to deal with the Mexican situation; because if that program is broadcast from any studio licensed by the Radio Commission, they have full control of it anyhow, and it seems to me this would take care of a situation which nobody wants to make trouble about and nobody wants to interfere with. The Commission has assured us that this is not their intent, and I understand, in talking the matter over, both with your chairman and with Senator Dill, that nobody has it in mind to interfere with that kind of program. But I simply do not want the individual broadcasting stations all over the country put in such a position as, for example, in the case of a matter which came up this morning in my own office, a broadcast by a Senator involved wiring to a station in the central part of the country and saying "Make arrangements to pick up such and such a speech at such and such a time today." Now, they use their own equipment to pick it up; they feed it to the networks, and this would simply mean we would have to get special permission, technically, to do that, from the Radio Commission. It would give it without any question, but there are going to be a certain number of times when the station will be technically violating the law. I do not think it is necessary and I think this amendment will take care of it.

There is one other question I want to raise that does not primarily concern the broadcasters, and I am raising it simply because I have

been studying this particular bill for a year and a half or two years, as I testified on it the first time nearly 2 years ago, with regard to the putting in of section 28 (A). This bill provides that no person, and so on, shall maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country. Now, gentlemen, if I know anything about the English language, that means nobody could manufacture phonograph records in the United States and send a single record to the Mexican side without permission from the Radio Commission. That is what it says. Now, that may be the object. I merely want to call your attention to the fact that a phonograph record is a mechanical or physical reproduction of sound waves, and transmitting or delivering to a radio station in any foreign country means just as much the sending by mail or express as it does sending by telephone wire.

The CHAIRMAN. But do you take into consideration the following language:

for the purpose of being broadcast from any radio station there.

Mr. BELLOWS. Exactly. That is what I have in mind. If it is sent to the broadcast station in Mexico, if the Mexican station buys a phonograph record, orders a phonograph record and it is sent to them, there you have technically, a violation of the law by the phonograph manufacturing company. Now, that may be all right, but that difficulty has been raised. I think if it could be amended in such a way as to apply to the manufacture of records, or mechanical or physical reproductions of sound waves, exclusively or primarily for broadcasting, then you will hit exactly the thing you want to hit. You do not want to have those people get around it by having electrical transcriptions made of their talks and sent there. I think this thing goes too far; it would interfere with a perfectly legitimate business which you do not want to interfere with. I think if you put in after "mechanical or physical reproduction of sound waves", the words "exclusively or primarily for radio broadcast", you will cover the ground.

Mr. SIROVICH. Would that preclude the Victor Phonograph Co. making electrical transcriptions and sending them over to Mexico, where they would send them direct?

Mr. BELLOWS. Dr. Sirovich, I do not think it will; I do not think it will accomplish very much. At the same time, I am all in favor of anything that will help the Radio Commission to deal with this problem, because we are suffering from it. I think the only effect of the passage of this bill will be that the stations in question will simply shut up their studios on the American side of the border, and do their broadcasts from their studios in Mexico. Insofar as they want to use material from the United States, they will simply put it on records and send them down there and shoot it out. I do not think it will have the slightest effect on reducing interference. I wish it would. Our own feeling is, however, that if this amendment I have suggested—the first amendment—is adopted so as to protect legitimate network broadcasting, we are all in favor of trying this thing if anybody thinks it will work.

Mr. Lehlbach brought up the question of a Detroit station or, rather, a station in Canada which broadcasts from Detroit to some extent, for which I am authorized to speak, as it is a station affiliated with our company in putting on programs. There again I understand that the activities would not be interfered with, on the ground that the Radio Commission would be very glad to grant a permit for that type of broadcasting. But technically certain difficulties are presented. I think, in answer to your question, that difficulty could be gotten around. I do not believe that the bill would adversely affect that particular station. I have discussed it with the owners of the station and they are not seriously alarmed.

Mr. SIROVICH. Do you think we have a right to prevent any mechanical-device people or electrical people from making any electrical transcription or mechanical transcription and sending it to any country?

Mr. BELLWS. I am not a lawyer, Dr. Sirovich, but offhand, I would say "no"; I do not think we have.

Mr. SIROVICH. Then if we have no right, the purpose of this bill is frustrated in every way?

Mr. BELLWS. Not in every way, but in many ways.

Mr. SIROVICH. In many ways; in other words, it will simply prevent an individual from having a studio in the United States territory and you abrogate the privilege to him and all he has to do is to go back to Mexico and he does not even have to get the human individual who sings or plays, but he can take an electrical transcription record and send that clear across the Mexican border into the United States, and we cannot prevent him from doing that?

Mr. BELLWS. Exactly.

The CHAIRMAN. But we would have the right, would we not, to prevent an American company or an American individual from doing that, when it was his purpose to contravene and violate the laws of the United States?

Mr. BELLWS. That is why I suggest that if this bill is amended as to specify mechanical or physical reproductions of sound waves designed exclusively or primarily for radio broadcast, you will probably achieve your purpose. I do not believe you could interfere with the general sale of phonograph records, and I do not think anybody wants to interfere with the general sale of phonograph records. I think it is possible, by modifying that phrase somewhat, that you could, as you suggest, where the intent is obviously to get around the laws of the United States and the regulations, probably control it; although I do not know. That is a highly technical legal question which I cannot answer.

Mr. RAMSPECK. Mr. Bellows, if we exempted specifically instrumental or vocal musical reproductions, it would obviate the objection of the phonograph records, would it not?

Mr. BELLWS. To a large degree I think you would, Mr. Ramspeck; yes. I think there might be some kinds of reproductions, we will say, of comedy acts and things of that kind; but I think the suggestion I have made could be made to take care of it. After all, what you want to hit at, very properly, is having the law and the regulations circumvented by people making electrical transcriptions

and sending them down there. Now, I think it is possible—I certainly would not want to say it can be done, but I think it is possible, that by limiting the application to electrical transcriptions, you could make it stick. I think, if you leave it the way it is, that some phonograph manufacturer is going to come back and say, "Here, I am sending phonograph records to Mexico and they are playing them over the Mexican stations. I have a perfect right to do that." I am afraid the courts would be inclined to say he was right, and it would upset the purpose of this legislation.

The CHAIRMAN. Well, except by a bill of this character, is there any other way that this situation can be reached than by international agreement?

Mr. BELLOWS. Not except by international agreement.

The CHAIRMAN. And since an international agreement cannot be reached, how are you going to stop it?

Mr. BELLOWS. Frankly, Mr. Chairman, I am afraid you cannot stop it. If this will do any good, we are certainly enthusiastic about seeing it tried; because, as I say, we are the principal sufferers.

Mr. SIROVICH. As much as I am opposed to Dr. Brinkley's advertising in our country, I think he has a perfect right and so has everybody else to go into Mexico and buy an electrical transcription record, musical, singing, or anything that will do the thing, and very naturally a little advertising will go along with it. And there is no objection to that. He has a perfect right to advertise, providing he does not say anything that is obnoxious or offensive, in violation of the laws of our country; and by putting in a statement that you are not allowed any advertising on there, you are going against international law. A man has a perfect right to go into Mexico or Canada with an electrical transcription, musical or singing, and have a legitimate, honorable advertisement go across, and this bill and the amendment you make has just raised in my mind the thought that it would even prevent that. Is that right?

Mr. BELLOWS. The suggestion regarding electrical transcriptions might even prevent that.

Mr. SIROVICH. There; you have it.

Mr. BELLOWS. I do not think it is going to be very effective for the Congress of the United States to legislate regarding the conduct of Mexican stations; I think that is the trouble.

Mr. LEHLBACH. Is not there another aspect of this situation: Regardless of the fact that Dr. Brinkley's goat-gland advertisements may be legitimate and honorable now, is it not a fact that any proposed station in the United States that is denied a license by reason of the fact that it would interfere with existing stations that have invested their capital and their money and made commitments for the use of the station, that would all be destroyed if their usefulness was taken away, if their channel was taken from them, and is it the right of any group of Americans who, in the public interest, cannot obtain the right to that channel from the Radio Commission for the reasons I have stated, to go across the line into Mexico and build a station and do that very thing which is destructive of our own radio interests?

Mr. BELLOWS. Morally, I do not think they have any right to do it. Legally, I am afraid they have; that is the trouble. Everybody, I think, agrees exactly with the position you have stated, Mr. Lehl-

bach, but the problem is how to reach it legally. And with the amendment which I have suggested, or with a possible alternative amendment, which I do not think is so good, but which I simply want to lay before the committee in case they do not like the first one, we are entirely in favor of having this bill tried if anybody thinks it will work. The alternative amendment is this, and this takes care, incidentally, of the phonograph record problem that has been brought up:

On page 2, line 1, after the word "and", strike out the word "caused" and insert:

"* * * * the principal function of which is to cause such electrical energy, or mechanical, or physical reproduction of sound waves."

I will read that clause as it stands with this amendment, so that you can see what I am driving at:

No person, firm, company, or corporation shall be permitted to locate, use, or maintain a radio-broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and the principal function of which is to cause such electrical energy, or mechanical, or physical reproduction of sound waves to be transmitted or delivered to a radio station in a foreign country,

and so forth.

That has the weakness, of course, that you have to define the "principal" function; but, on the other hand, it does take care of the question of the makers of phonograph records. I do not think it is as good as the other one.

Mr. SIROVICH. That will put out of business the sale of all mechanical or electrical transcription to the State of Mexico.

Mr. BELLOWS. I do not believe it would.

Mr. SIROVICH. To a large extent.

Mr. BELLOWS. I do not believe it would; because the principal function of such places, studios, or companies would not be to manufacture records to be delivered to Mexico for broadcast; it would just be a minor function. They could just go ahead and do it. That is the reason I make that suggestion to put in the words "principal function"; it would interfere only with the person who was maintaining a studio or other apparatus the principal function of which was to do this job.

Mr. SIROVICH. Mr. Chairman, have we invited the mechanical-device people or the phonograph-record people to be here at this hearing?

The CHAIRMAN. Not that I know of.

Mr. BELLOWS. I do not think they know what it is all about.

Mr. SIROVICH. I move that the committee be requested to invite, if I am not out of order, the Victor, Columbia, and American electrical transcription companies to come here so that they may have their say on this matter. The three largest companies are the Victor Talking Machine Co., the Columbia Phonograph Co., and the American—those are about the three largest. Do you know of any others, Mr. Bellows.

Mr. BELLOWS. No; I think those are the most important. I ought to say that I do not in any way speak for them; I have no connection with them at all. I am merely bringing this up as a matter of general consideration in connection with this bill. The one thing

all broadcasters are definitely interested in is the amendment which I have proposed to take care of wholly legitimate broadcasting.

The CHAIRMAN. Well, the motion of Dr. Sirovich will be taken up in executive session.

Mr. WILLFORD. In line 4, on page 2, "having a power output of sufficient intensity and/or being so located geographically, that its emissions may be received consistently in the United States"—that would take in just broadcasting and would not have anything to do with the right of manufacturing phonograph records for phonograph purposes?

Mr. BELLows. It has nothing to do with ordinary phonograph playing; it would concern only the broadcasting of phonograph records or programs, and that only when done only by a limited number of stations.

The CHAIRMAN. Are there any further questions? If not, the Chairman of the Radio Commission has come in, and we will hear you now, Judge Sykes, if you desire.

Mr. SYKES. It is just with you, Mr. Chairman, and anytime you desire.

The CHAIRMAN. Well possibly it would be better to let Dr. Stewart first make his statement.

STATEMENT OF IRVIN STEWART, TREATY DIVISION, DEPARTMENT OF STATE

Mr. STEWART. Mr. Chairman, my name is Irvin Stewart; I am in the Treaty Division of the State Department and among my duties is that of handling radio for the Department.

The CHAIRMAN. You were one of our technical advisers at the Mexican conference, were you not?

Mr. STEWART. I was.

The CHAIRMAN. You have heard this bill and the need for it. Have you any statement to make?

Mr. STEWART. The Department of State is in hearty accord with the principle of the bill. In the Department's opinion, these border stations—and they are the principal ones intended to be caught by the bill—are, to put it mildly, of no benefit in furthering good relations between Mexico and the United States. Their influence, such as it is, is quite the other way. It establishes today a cause of friction between the two governments and we should like to see any measure which would help make it more difficult for these stations to operate put into law.

I heard Dr. Jolliffe's statement; I think his description of the difficulties caused by border stations was excellent, and I concur entirely in that description.

The CHAIRMAN. You heard the questions raised by Mr. Bellows: Have you any comment to make on that?

Mr. STEWART. It, of course, is rather difficult to express an opinion on an amendment which you have just heard read. My fundamental approach to this is that it is much better to leave the discretion in the Commission than it is to try to write amendments which can be used later as loopholes through which the very stations you want to reach can escape.

On the matter of the effect of the bill, it is quite possible that it will merely require the studios to be taken from the United States and moved into Mexico. On that point, I should simply like to suggest this, that before a man can get into Mexico he has to be admitted to Mexico, and there might conceivably be difficulties about particular individuals getting into Mexico. Further, if a man is broadcasting medical programs, but doing it in Mexico, he might find himself in the position of practicing medicine in Mexico without a license. I cannot speak for certain on that; I simply suggest that is a possibility.

Mr. SIROVICH. From the standpoint of the sale by our country of any mechanical device, the phonograph record companies have a perfect right to make any electrical transcription record and have a perfect right to put music, speech, or any advertising on it, and if they send that to Mexico, I would like to know from you, as the representative of the State Department, whether there is anything illegal about that—sending a mechanical device record to Mexico which can be relayed from Mexico into the United States?

Mr. STEWART. So far as I am aware, at the present time it is perfectly legal for a company to do as you suggest.

Mr. SIROVICH. Now, if it is perfectly legal for that company to do that, and the company does not have to be licensed to make phonograph records in this country, the passage of this law will simply give an opportunity to electrical transcription companies, like the Victor, Columbia, or American, to send their electrical-transcription records to Mexico, and they can be just sent over the air from the studio stations in Mexico, and we have not done anything by this bill to stop the interference.

I would like to see something that would help Mr. Ramspeck in Georgia and Senator Cohen to prevent the interference by Mexican stations, with these high-powered mechanical devices that they have, that absolutely ruin their business, ruin their advertising, and ruin the programs they give; but this bill, in my humble opinion, however, after listening to the testimony, is only a makeshift, because we cannot do anything, from the standpoint of law, with the electrical transcriptions.

Mr. STEWART. Mr. Chairman, on that I would simply say my reply, of course, is that is true as far as the law is today and as I understand it; but if this bill is enacted into law, it is quite possible your law would be changed.

Mr. SIROVICH. But it would simply substitute the mechanical device for the studio in the United States.

Mr. STEWART. And you would have some control in the Commission under the law if this bill is passed.

The CHAIRMAN. Would it not be possible to legislate to prevent those devices being used for the purpose of violating and contravening the laws of the United States?

Mr. STEWART. It seems to me it would, sir; that the defect now is in the law as it exists; not in the power of Congress to enact the law.

The CHAIRMAN. And the only thing that is sought to be reached are these devices whereby the laws of the United States are defeated?

Mr. STEWART. That is my understanding, sir.

Mr. SIROVICH. But would not the enactment of a law by Congress—let us assume it is conceded that we put the privilege of

making mechanical devices or records in the control of the Federal Radio Commission and we do not allow the Federal Radio Commission whatsoever to permit the Columbia, the Victor, or the American Cos. to send any records into Mexico, will not Mexico encourage an industry to make electrical transcriptions and do the very thing we are preventing right in our own country? We cannot prevent them from doing that. I mean the evil will still be there and we are destroying our own industry, that is making mechanical devices and records, for the benefit of Mexico.

The CHAIRMAN. Are we not only destroying, if they do that, that part of their industry which violates the laws of the United States, and anything else they can send in?

Mr. STEWART. That is my understanding, sir, that the Commission would seek only to meet those situations which result in violations of the laws of the United States.

There is one other element I should like to mention; that is, in the informal discussions that have been had with the officials of the Mexican government about the existence of these stations, our officials have been embarrassed by this question: "These programs originate in the United States; if you don't want them, why don't you cut them off over here in the United States?"

Mr. SIROVICH. I am in perfect sympathy with the bill; I am only trying to state we are substituting another evil for the evil we are getting rid of. I am going to vote for this bill; I am in sympathy with it; but, in trying to substitute something for it, I think we are permitting the evil just the same as it now exists. Do you get my point?

Mr. STEWART. I do.

Mr. SIROVICH. I am going to vote for this bill; I am in sympathy with it; I am in favor of giving the Radio Commission the power they seek; but, when we do away with their studios in the United States, I say the same evils will continue to exist, because you can have electrical transcriptions made by record companies in Mexico, which will do the same thing we do not permit in the United States, and the evil Mr. Ramspeck complains of will go on just the same.

Mr. RAMSPECK. May I point out to my colleague from New York (Mr. Sirovich) it would add to the expense of those people to make these programs to have to go to Mexico to make them, which they probably could not afford to do. I recognize the difficulties of reaching this problem and I do not know that this bill will obviate all of the trouble we are having, but I do not think that it will do what Dr. Sirovich indicates. I do not believe that these people can afford to go to Mexico to have these records made, any more than they can afford to go over there and erect a studio and broadcast these programs, because the limitation of the expense would enter into it.

Mr. LEHLBACH. Did you hear the amendment that was proposed by Mr. Bellows—I have not a copy of it before me; I just heard it read—which I believe is to the effect that no preclusion of this proposed act should apply to any program that was also broadcast by a station in the United States? Is not that the substance of it, Mr. Chairman?

The CHAIRMAN. I think so.

Mr. LEHLBACH. Now if that amendment were adopted, what would prevent these outlaws to subsidize some insignificant local station somewhere to broadcast that program, and then set it free to be shot back from Mexico into the United States?

The CHAIRMAN. Is not the answer to that that it is necessary for that station, if within the United States, to get a license from the Federal Radio Commission?

Mr. LEHLBACH. Yes; but it has a license, and if they just want to advertise this business, then you would have the same difficulty.

The CHAIRMAN. Would not the answer be that the license would be revoked?

Mr. LEHLBACH. Yes; but that can be prevented by tedious procedure and delays, while the evil is still going on. If you are going to do anything, why I think you should try to do it and not just make a gesture. I think that amendment Mr. Bellows suggests, in order to obviate the Federal Radio Commission's putting the Columbia or National Broadcasting System out of business, because they are using somebody else's microphone, as was stated in the Senate hearings, is extremely technical.

Mr. STEWART. Mr. Chairman, I would not want to be understood as favoring Mr. Bellows' amendment. I have not had an opportunity to study it; I do not know exactly what it means, but I should much prefer to leave the discretion with the Radio Commission than write into this bill an amendment through which that men we want to reach may possibly escape.

Mr. WILLFORD. Would not the the Radio Commission have that right anyway to dictate the policies of radios in the United States? This bill, I think, covers the point very thoroughly as it and lays it right in the lap of the Radio Commission, and all we are asking for is some right to lay it in their lap whereby they can control the radios of the United States, and not allow an outlaw to evade the law by simply shooting across the border anything he sees fit. I think this law is very complete the way it is and lays it in their lap and leaves it in the hands of the Commission to so interpret that law as to protect our people and our friend (Mr. Ramspeck).

Mr. STEWART. We would be glad to see the bill enacted. As drafted, it seems to us to cover the purpose.

The CHAIRMAN. Are there any further questions? If not, we would be glad to hear from you now, Judge Sykes. Give your name to the reporter and your official position.

STATEMENT OF HON. E. O. SYKES, CHAIRMAN FEDERAL RADIO COMMISSION

Mr. SYKES. E. O. Sykes, chairman Federal Radio Commission.

The CHAIRMAN. How many years have you been on the Federal Radio Commission, Judge?

Mr. SYKES. Ever since its establishment, Judge, in 1927.

The CHAIRMAN. How many years have you been chairman?

Mr. SYKES. Since I was reappointed by President Roosevelt. I think it was the latter part of last March; I am not sure, but I think it was the latter part of last March.

The CHAIRMAN. You are acquainted with the bill which is under consideration?

Mr. SYKES. Yes, sir.

The CHAIRMAN. Prepared by the Federal Radio Commission?

Mr. SYKES. Yes, sir.

The CHAIRMAN. And the necessity for it?

Mr. SYKES. Yes, sir.

The CHAIRMAN. We shall be very glad to hear any statement you have to make.

Mr. SYKES. I am sure the other witnesses have explained to a certain extent the Mexican situation. It grows out of that situation that we ask for the passage of this bill. As the chairman is quite familiar, the Mexicans now have, I think, five stations in actual operation on the border. There may be more. Those stations are using frequencies ending in fives. Our frequencies end in tens. In other words, they have stations there five kilocycles away from stations in the United States and those that are already in operation are causing a great deal of interference with the stations in the United States.

We agreed in Mexico City on some general principles relating to broadcasting. Among others, we agreed that stations should be placed on frequencies ending in multiples of 10. Mexico has not yet shifted her stations to frequencies ending in multiples of 10; they are still operating where they were when we were down there.

In our conferences in Mexico, several times those gentlemen took occasion to say that the United States had never formally objected to the operation of their stations. I want to remark right here I do not know whether you gentlemen saw it in the Star last night, or not, but one of those Mexican stations which is practically owned and operated by Dr. Brinkley, that is causing a great deal of interference to some of our stations here, according to a dispatch from Mexico last night, has several times been fined by the Mexican Government and it has sued out an injunction to prevent the Mexican Government from further proceeding with the finding of that station for violating the Mexican regulations.

That regulation of the Mexican Government, as Judge Bland will recall, is that programs must first be broadcast in Spanish and then they may be translated into another language. All of these Mexican border stations have been violating that provision of the Mexican regulations. So it looks like the Mexican Government is proceeding to take steps, which we are naturally very much gratified to see.

Now as a great many of these Mexican stations broadcast by remote control from the United States, in my opinion they are not bona fide Mexican stations; they are really American stations, owned by Americans for the purpose of broadcasting into the United States and not into Mexico. Naturally, we want to stop as much of that as we can.

Mr. LEHLBACH. Right at that point, Judge Sykes, is not there a provision in the radio act with respect to American stations, that the station should be deemed to be located where its studio is located and not where its transmitter is located?

Mr. SYKES. Yes, sir.

Mr. LEHLBACH. And would not that principle apply exactly to this Mexican situation?

Mr. SYKES. Under the Davis amendment, you will recall, as I am sure you do, that you put into the radio law that the location of the

station was determined by the studio, and we have a rule describing its principal studio and what constitutes a principal studio, because of the trouble in your State.

Mr. LEHLBACH. Yes; but why do you call it "the Davis amendment", when I introduced it? [Laughter.]

Mr. SYKES. I mean it is contained, Mr. Lehlbach, in what they commonly speak of as the Davis amendment, although I know you had a great deal to do with it, of course.

Mr. LEHLBACH. Yes. I know that New York studios went across the river and erected their antenna in New Jersey, and then they were charged up to the New Jersey quota.

Mr. SYKES. That was the reason.

Mr. SIROVICH. Have you ever attempted to cure that evil, Mr. Lehlbach?

Mr. LEHLBACH. We have cured it.

Mr. SYKES. Yes; that is working very nicely in the United States. Now, bearing in mind this background, the object and purpose of this bill is to discourage as much as we can the establishment and maintenance of border stations. We know that a number of the broadcasts of those border stations emanate by remote control from this country—from the United States. For instance, this station I have alluded to of Dr. Brinkley's, all of his broadcasts are by remote control to his station. Now this bill would require permission to be obtained from the Federal Radio Commission, not only for studios, but it goes further than that and reaches any sort of remote broadcast from the United States to any foreign country.

I might say there, in passing, that our relations with Canada are in every way most amicable. We have programs originating in Canada that are broadcast in the United States. I do not think there is any need for anybody to be exercised that the Federal Radio Commission would stop that in any way, because we have agreements with Canada. It is the real object and purpose to do what we can to stop these remote broadcasts to stations which, in our opinion, are not really bona fide Mexican stations but are really camouflaged American stations operating in Mexico.

Now, we have tried to make it as broad as we could. We have covered mechanical reproductions, because you can see, if you stop them from broadcasting by remote control, they may resort to having electrical transcriptions made and shoot them down there. So the bill is made to contemplate any sort of electrical transcription which is for the purpose of being broadcast over some station. In other words, it covers an electrical transcription made for those purposes that would be shipped down there.

Mr. SIROVICH. But you have no control over the making of electrical transcriptions in the United States; the Federal Radio Commission has no such authorization by law?

Mr. SYKES. No, sir; we have no such authorization.

Mr. LEHLBACH. We are trying to give it to them.

Mr. SYKES. But I think the bill is perfectly legal, if it were enacted into law, and these people who manufacture electrical transcriptions to be shipped to foreign countries would then have to get permission from the licensing authority to do it.

Mr. SIROVICH. But the point, Judge, I am trying to bring out—because I am in full sympathy with everything in this bill; I am only trying to see if we cannot make it airtight, to help along—

Mr. SYKES. Yes.

Mr. SIROVICH. But the one thing that is worrying me is that there are foreign companies—I know there are in Mexico and South America—that make mechanical devices or records. They have been before our Committee on Copyrights. And they can go right into Mexico and give them the same electrical-transcription records that we are objecting to their buying in the United States and shipping to Mexico. They can be made somewhere else and be sent out over the air by direct control, instead of remote control.

Mr. LEHLBACH. Is not the answer to that if they can send their people to Mexico to have electrical transcriptions made in Mexico, they can just as well put them in front of the microphone in the studio in Mexico, as they can to have them talk into a transmitter?

Mr. SIROVICH. But the cost is terrific to do that, and the canned music is very cheap.

Mr. LEHLBACH. Yes; but you say they could send the originators of the program down to Mexico?

Mr. SIROVICH. No; I did not say that; I say in the state of Mexico they have companies manufacturing records; they are making records there, and have the mechanical equipment there to make those mechanical records.

Mr. LEHLBACH. Yes.

Mr. SIROVICH. And I say they can make those electrical transcriptions in Mexico with the talent they have there, and do the same thing with the electrical transcriptions from these outlaw stations that we are trying to prevent.

Mr. LEHLBACH. And this talent that makes your actual translation can make the initial broadcast, can they not?

Mr. SIROVICH. No; it would cost too much to take them from Mexico City to the border, and so on.

Mr. LEHLBACH. But the talent would have to go down into Mexico to make the electrical transcription.

Mr. SIROVICH. I say they have their own talent—native talent.

Mr. TERRY. You cannot prevent that.

Mr. SIROVICH. That is what I say.

Mr. LEHLBACH. But what that local talent talks into the phonograph is exactly the same thing as if that local talent was talking into the microphone to be broadcast in the first instance.

Mr. SIROVICH. Yes; but they can use the electrical transcriptions two or three times a week, or a dozen times a week, and they would not use the same talent every day by shipping from Mexico City to the outlaw border stations.

Mr. SYKES. I will tell you another thing: If they were manufacturing in Mexico, I think the Mexican Government would make them obey those Mexican regulations I have been talking about, Doctor, that they would first have to be transcribed into Spanish and then translated into English, and that is quite a job, you know. The listeners would lose interest if that was required to be done, and I think the Mexican Government would require it if they had to be made down there. So I think from every viewpoint that is an impractical thing.

The CHAIRMAN. I am delighted to hear you say that the Mexican Government is trying to enforce its regulations.

Mr. SYKES. I just got that information from the papers, and I have some other information which is rather encouraging along that line.

Mr. TERRY. Is it your opinion that you can prevent the manufacture of these records here to be shipped down there?

Mr. SYKES. It only applies to shipping if they are being shipped for broadcast purposes down there. This bill would only cover that; it would not cover the manufacture, but would only cover the transit.

Mr. SIROVICH. Would that only apply then to advertising, and not to music or entertainment?

Mr. SYKES. Well, it says "electrical transcription." Of course the ordinary phonograph record—there would not be any trouble about that.

Mr. SIROVICH. I understand, but from some of these electrical transcriptions I have seen, they work for half an hour or three quarters of an hour, with a band and have entertainment, and then they have the advertisements.

Mr. SYKES. But it would apply to the whole electrical transcription.

Mr. SIROVICH. It would not apply just to the music or entertainment, would it?

Mr. SYKES. There would not be any trouble in getting permission for a thing like that, of course.

Mr. TERRY. It would apply to the object, as to whether they can get permission.

Mr. SYKES. It is a question, as the Congressman says, of getting permission when it is shipped for the purpose of being rebroadcast.

Mr. WALTER. Is it not your idea to fix an annual license, rather than to license each individual broadcast?

Mr. SYKES. Oh, we license them both ways.

Mr. WALTER. I mean with respect to these records.

Mr. SYKES. Yes.

Mr. WALTER. You would license the company, and it would not be necessary to license each individual record, would it?

Mr. SYKES. Oh, no.

The CHAIRMAN. Are there any further questions?

Mr. SYKES. Might I add this, Mr. Chairman: I caught a part of a suggested amendment of Mr. Bellows, and, frankly, I think the bill as written would be better than to adopt any suggested amendment along that line.

The CHAIRMAN. I was going to suggest, Judge, that there should be given to you the two amendments—in fact there were three suggested by Mr. Bellows—for your further comments on them, one of them being in the shape of an alternative amendment. I think you have not seen the amendments?

Mr. SYKES. No, sir; I just heard it when someone discussed it.

Mr. RAMSPECK. Mr. Bellows raised the question that section 28 (a) in line 7, on page 1, that every microphone used in picking up a broadcast would have to be licensed. As I read the bill, the license would be to the firm, or company, or corporation, or person, and they might use one microphone or a hundred.

Mr. SYKES. That is what we intended, to license the company or individual. You could cover all of those things. I take it, of course, that Mr. Bellows, because of some of their Canadian rebroadcasts for his Columbia system, suggested some of those amendments; but I do not see any trouble about that. I do not think there would be a bit of trouble where we could get along as we do with Canada.

Mr. LEHLBACH. Now, Mr. Bellows suggested the pickups of important events out of the ordinary run of broadcasts are sometimes made at the request of the chains by independent stations who have not or would not have such a permission or license to furnish material for broadcasting from the foreign country. In that event, would not the Radio Commission consider in that case that the independent company, which at the request of the chain is picking up that program, is the agent of the chain and, therefore, covered by the license?

Mr. SYKES. I do not see a bit of trouble about that, Congressman.

The CHAIRMAN. Are there any further questions? Mr. Ring, do you have any statement to make?

Mr. RING. No; I have no statement to make.

The CHAIRMAN. Is there any other person present who wants to be heard?

Mr. THOMASON. May I be heard for one minute?

The CHAIRMAN. We are going to give you an opportunity to be heard, but first I want to find out if it is the desire of the committee to go on now, or come back later.

Mr. THOMASON. I do not want to make a statement; I just want to incorporate some telegrams.

The CHAIRMAN. All right; we will hear you now.

STATEMENT OF HON. ROBERT E. THOMASON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. THOMASON. I do not want to make any lengthy statement, Mr. Chairman and members of the committee. Del Rio, Tex., however, is in my district and this Brinkley station, XER, is at Villa Acuna, just opposite Del Rio, on the Mexican border, and I am just in receipt of a letter from the Del Rio Chamber of Commerce, as well as two prominent local citizens, Judge John J. Foster and Mr. W. C. Churchwell, opposing this legislation and, with your permission, I would like to incorporate those in the record, because it gives their reasons for their opposition to the bill.

The CHAIRMAN. Without objection, that may be done.

Mr. SIROVICH. Mr. Thomason, could not you read the objections?

Mr. THOMASON. I would be very pleased to do it.

Mr. SIROVICH. I would like to hear the objections.

Mr. THOMASON. I do not think it attempts to go into detail; it is more in the nature of a general protest.

Mr. SIROVICH. Just read what it is.

Mr. THOMASON. The first telegram I will read is from Judge John J. Foster, whom I know well. He has been a prominent lawyer there for years, and is a very fine, as well as reliable, man.

Mr. SIROVICH. You said you had a letter from Mr. Foster.

Mr. THOMASON. Yes; I will read that. This is a telegram addressed to me:

Bill introduced by Bland, of Virginia, aimed at radio station XER and Dr. Brinkley who broadcasts by remote control from Del Rio. Del Rio 100 percent behind Brinkley who has brought prosperity to us through his advertising. Please advise possibility of bill passing and what can be done to defeat same.

Mr. LEHLBACH. Is that a goat-raising country? [Laughter.]

Mr. THOMASON. Yes; the finest in the world. I now read a telegram from W. C. Churchwell:

I notice a bill introduced in Congress to prohibit radio broadcasting by remote control across the borders of the United States. This bill, if passed, will only affect the Mexican border and is particularly drawn against the operation of XER at Del Rio. We feel this will do a great injustice to us and we cannot see where it would be of benefit to any one. Please use your influence to defeat this bill if possible and Del Rio will be indebted to you as well as your humble servants.

Mr. SIROVICH. He did not get the letters from Senator Cohen, did he?

Mr. THOMASON. I presume not, because Mr. Ramspeck can speak for Georgia.

Now this is from the Chamber of Commerce, dated Del Rio, Tex., February 12, 1934.

DEAR MR. THOMASON: Legislation is being considered in Washington, which if made a law, will prohibit the operation from the United States, through remote control, to radio stations located outside the United States.

We believe his legislation is directed against Dr. John R. Brinkley, of Del Rio, who operates by remote control through XER which is located in Villa Acuna, Coahuila, Mexico, across the river from Del Rio.

Last October Dr. Brinkley moved his offices and sanitarium from Milford, Kans., to Del Rio and since has continued his practice in our city. Hundreds of patients from all parts of the United States and Canada have been operated on by Dr. Brinkley this past fall and winter. Dr. Brinkley has averaged more than seven operations daily since last October. Last Friday and Saturday he operated on 12 men each day. Our records show that his patients come from all sections of the United States and several provinces in Canada.

We have made it our business to discuss with these patients the treatment received through Dr. Brinkley and the results of the examinations and operation. Many of Dr. Brinkley's former patients have come to Del Rio for a "recheck", men who had received the operation in past years. Without exception the new patients and the old patients have been very profuse in their praise for Dr. Brinkley. Many of them say that they are convinced that Dr. Brinkley saved them from the grave and they all state that he has materially improved their health. There is no question in our minds that Dr. Brinkley is rendering a very valuable service to humanity and if the present proposed legislation is made a law and Dr. Brinkley's work is stopped, the American public will be the loser.

In our dealings with Dr. Brinkley we have found him to be honest, conscientious, a square shooter, and a man who enters actively into the civic life of our State and community. Through the medium of XER he is advertising Del Rio and the State of Texas. The radio programs have brought many visitors to Del Rio and, of course, they must pass through other section of Texas en route. The men from the northern parts of the United States and Canada who have visited Del Rio this winter have discovered that Texas is a wonderful State.

With which I agree.

This will and has produced beneficial results for us.

We sincerely hope that you will actively oppose the proposed legislation and have it stopped. If this is impossible, then insist that an impartial commission be appointed to make a thorough and unbiased investigation of Dr.

Brinkley and his practices. We can furnish for you, if you so desire, a list of thousands of cured and satisfied patients of Dr. Brinkley's.

We will appreciate very much if you will kindly advise me what has or will be done pertaining to this legislation.

Yours very truly,

JAS. C. NETTS,

Manager Del Rio Chamber of Commerce.

MR. SIROVICH. I guess the chamber thinks we are an impartial commission.

MR. LEHLBACH. May I ask the gentleman a question, which may not have a direct bearing on this bill; but, in your opinion, do you think that Dr. Brinkley has improved his chances of being Governor of the State by moving from Kansas to Texas? [Laughter.]

MR. THOMASON. I could not answer that, Mr. Lehlbach. I do not know Dr. Brinkley, and not interested in him. I am interested in radio. I live in El Paso, and there is a small station in Juarez, just opposite my city, about which I have never heard any complaint. I have not had time to study this bill. I am doing what all Congressmen do—coming here and letting you know how the people of that city feel about it. Because I do know that they are very reputable men, whom I think would speak the sentiment of their community. XER has done a lot of good in all the border country. It has brought pleasure to thousands, as well as advertised our section.

MR. WILLFORD. I would like to ask, in this goat-gland operation, are they Texas goats? [Laughter.]

MR. THOMASON. Well, we have the finest in the world, so there is no reason why he should not use them. [Laughter.]

MR. LEHLBACH. Angoras?

MR. THOMASON. Why, we furnish goats as well as glands. You can get 100-percent service in my district. [Laughter.]

MR. LEHLBACH. You have the goats and furnish the glands?

MR. THOMASON. Not only that, but even Congressmen, including some of the members of this committee, might be interested in the treatment. [Laughter.]

I hope you go into this matter very thoroughly. I think the only thing that would be accomplished would be to drive this business into Mexico.

Thank you, Mr. Chairman.

THE CHAIRMAN. Are there any further questions, or anyone else who wants to be heard?

MR. TYLER. I would like to make a brief statement, if I may.

THE CHAIRMAN. Do I understand, Mr. Ring, there is no additional statement you wish to make?

MR. RING. That is right.

THE CHAIRMAN. Now is there anybody opposed to the legislation? (There was no response.) All right, Mr. Tyler, we will hear you now.

STATEMENT OF DR. TRACY F. TYLER, SECRETARY NATIONAL COMMITTEE ON EDUCATION BY RADIO

DR. TYLER. I have been asked to appear on behalf of the National Committee on Education by Radio and state that we are absolutely in favor of this bill. I have been asked to come up here and listen

to the testimony that has been given and to give the reactions of this group which not only represents education in the country, but some 30 educational broadcast stations which are owned and operated by the colleges and universities and other public bodies of the United States.

I might say, in speaking of the suggestions made by Mr. Bellows, that I have confidence in the Federal Radio Commission's ability to administer this legislation, provided the Congress passes it, and I think it would be unwise for these amendments which he has suggested to be incorporated into the bill. As far as the matter of electrical transcriptions is concerned, I am certain that the Federal Radio Commission will be able to take care of that situation.

Dr. TERRY. May I ask why this association is in favor of this bill?

Dr. TYLER. Because the broadcasting facilities of North America and in this country are very limited. It is most important that these facilities be used in the public interest and for the public welfare. If facilities of this kind are used on the Mexican border for purposes which the Federal Radio Commission have deemed unwise in the United States, and this tendency increases, it will limit the facilities of the United States very markedly.

As has already been brought out today, certain American stations are seriously interfered with by the activities of these Mexican stations. If something is not done about it more stations will grow up, more stations will be affected. Some of our educational, publicly owned stations are now being more or less affected by these broadcasts, but others may be more seriously affected (for instance, like WSB of Atlanta), if they happen to come within 5 kilocycles of one of these high-powered Mexican stations.

Mr. TERRY. It is a question of interference, then; not of the character of the information that is given out by these stations?

Dr. TYLER. Well, naturally our organization is very much opposed to any type of broadcast which gives improper information or, rather, material which is not factual, but which has been deemed not in the public interest. From that standpoint, from the general standpoint of public interest and public welfare, which educators always have at heart, we object.

Mr. SIROVICH. Have you personally ever listened in to any of these Brinkley advertisements or programs?

Dr. TYLER. Doctor, I can hear Dr. Brinkley almost any evening in my home here in Washington on my own set.

Mr. SIROVICH. I mean have you ever heard it?

Dr. TYLER. I have.

Mr. SIROVICH. What does he say; what is the general subject of his theme; what does he talk about? You mentioned his factual content.

Dr. TYLER. Well, I might say, in answer to the question, that some years ago I lived out in Nebraska, at Lincoln, when Dr. Brinkley was conducting his station over in Milford, Kans, and I have listened to him quite frequently. I cannot recall the exact wording, or anything of that kind; but, of course, his advertising has always been of his work, which, as I understand it from the testimony that has already been given here today and from my own observations, has been the use of goat glands in the rejuvenation of people who ap-

parently have gotten old prematurely. [Laughter.] I think the Doctor (Mr. Sirovich) is as familiar with his broadcasts as I.

Mr. SIROVICH. I just wanted to have it for the record.

Mr. RAMSPECK. Your main objection of your organization is that unless there is some method of stopping the building of these stations, it means chaos in the American broadcasting business, does it not?

Dr. TYLER. That is one of our purposes; yes, sir.

Mr. RAMSPECK. Radio would be of no use to the world unless it was regulated, would it?

Dr. TYLER. I do not see how we could have radio without regulation.

The CHAIRMAN. Are there any further questions? If not, thank you very much, Dr. Tyler.

Now, Mr. Terry, you called me up about some persons from your State who desire to appear.

(After informal discussion, the further hearing in the above matter was adjourned until Friday, Feb. 23, 1934, at 10 a.m.)

REMOTE CONTROL BORDER STATIONS—H.R. 7800

FRIDAY, FEBRUARY 23, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE OF THE MERCHANT MARINE, RADIO AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler Otis Bland (chairman) presiding.

The CHAIRMAN. This meeting was adjourned from the former hearing to be resumed today in order to give an opportunity to other witnesses who might desire to be heard. The evidence in support of the bill was concluded; although, of course, any further testimony in support of the bill would be admissible.

Since the last hearing, the Senate has passed a similar bill, introduced by Senator Dill, with an amendment—

Provided, That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission.

In reporting on the bill, Senator Dill, who made the report in the Senate, said:

The purpose of this amendment is to make unnecessary the granting of permits where a station, licensed by the Commission, broadcasts a program simultaneously with a foreign radio station. Your committee believes this amendment will help to clarify the meaning of the bill and recommends that the bill as amended do pass.

As I say, the bill has already passed. We can have the Senate bill in contemplation in our hearing on the House bill and then later, in executive session, we can decide whether the House bill or Senate bill should be reported.

I am in receipt of a telegram from C. H. Venner, Jr., president, Conquest Alliance Co., Inc., 515 Madison Avenue, New York City, which reads:

As an agency handling radio advertising campaigns for many important American manufacturers in numerous foreign countries, we herewith oppose the proposed bill H.R. 7800 amendment 28-A on the grounds that it will seriously impair properly conducted advertising campaigns of American manufacturers on foreign stations by means of electrical transcriptions. Hamper seriously American foreign trade promotion which is a vital part of the recovery program. Affect employment in many recording studios in forcing use of local live talent in foreign countries instead of American produced transcriptions. Also create an unjust monopoly. If this bill is aimed against bad practices of Mexican border stations the amendment should be so limited but with the extremely sensitive radio sets on the market today and the fact that with such sets sound waves of stations all around the world can be consistently heard and bill will create the above mentioned unfair conditions.

I am also in receipt of a letter from the Columbia Phonograph Co., Inc., saying it will be impossible to attend the hearings, but they will be pleased to receive copies of the hearings.

Also a letter from Mr. R. P. Myers, assistant to vice president and general counsel of the R.C.A. Victor Co., Inc., attaching a list of companies which might be interested in any legislation affecting phonograph and electrical transcription interests and saying:

We expect to make a study of the proposed bill and in the event we decide to be present at the adjourned hearing next Friday shall let you know immediately.

Also a letter from the American Radio Audience League, asking for a copy of the hearings.

The Radio Corporation of America, through Mr. Frank W. Wozencraft, suggests it might be of some advantage, on page 1, line 8, after the word "maintain" to insert the words "within the United States."

Now, Mr. Terry, you indicated you had some witnesses who desired to be heard. Are your witnesses here?

Mr. TERRY. No, sir; I do not think any of them are here today.

The CHAIRMAN. Is any gentleman present who desires to be heard in opposition to the bill?

Mr. DAN JUNAS. Yes, sir.

The CHAIRMAN. Give the reporter your name and state for whom you appear.

STATEMENT OF GEORGE W. DAN JUNAS, PRESIDENT BROADCAST PRODUCERS OF NEW YORK, INC., NEW YORK, N.Y.

Mr. DAN JUNAS. I just received notification from this committee that its hearing would be called at this time. I had no further or previous information regarding this bill and I strongly object to it, as it is impossible to understand the purpose of the bill to amend the Radio Act of 1927, as amended, by the addition of a new section to follow section 28 of said act, and which is to be called "section 28-A".

It is inconceivable that anyone who has been connected with radio would make the mistake of passing this amendment. It is inconceivable that anyone who realizes the significance of the mistakes which have been made in the past would sponsor and sanction an act of this kind. An amendment cannot possibly bring two things together which do not belong together. Radio transmission is one thing and recording is quite another. The Radio Commission surely has no control over the telephonic radio connecting wires which couples two stations on a chain hook-up for the purpose of broadcasting, nor by the same token has it any power over the pencil used to write the script which is used to create radio broadcasts. A recording is in the same category as the connecting wires or the pencil. It is, therefore, impractical to have the Radio Commission control any recordings, for the pencils and connecting wires are more important to radio than the recordings.

The purpose of the Radio Act of 1927 which created a Federal Radio Commission was to control radio transmission in order to protect the rights of the general listening public; therefore there is

no reason for connecting recordings and radio transmission. If this new amendment is enacted every recording company will be forced to take out a license. Any recording may be purchased from a recording company for the purpose of being used for broadcasting in a foreign country. Even though a recording company may never sell, or intend to sell, any recording for this purpose, it will be necessary for it to obtain such a license in order to protect any possibility of being placed in an awkward position.

Small recording companies can hardly earn sufficient amounts to continue in business due to abnormal hard times. They will, therefore, be forced out of business because of their inability to meet the costs necessary to comply with the requirements for a license. Under the terms of the Radio Act of 1927 the Federal Radio Commission has the power to determine whether or not the equipment of a station to be licensed measures up to the standard set by it. What will prevent the Federal Radio Commission after the passage of this amendment from setting up rules and regulations as to the necessary equipment for recording, to be secured by a recording company in order to secure a license.

If this amendment is passed by Congress it will place the export recording business in the hands of a select few who will control the foreign recording field, and thereby, as in the case of the present chain broadcast hook-up, give employment to comparatively few artists. These recording companies will control the price of recordings shipped to foreign countries and cause an automatic rise in the price of recordings shipped to foreign countries. Because of this, the foreign broadcast stations may retaliate by building their own programs. This will put many more American artists out of work.

It is common knowledge that the more control any government exercises over its exports, the less chance these products have for sale in other countries.

The passage of this amendment will tie the hands of future inventors in the recording field as there is no remunerative goal to be reached by the future inventions if the field is controlled by a few licensed concerns.

The scope of the recording industry is a larger and more beneficial industry than radio, for radio broadcasts once transmitted are lost forever, whereas recordings perpetuate radio programs. The Radio Act of 1927 was passed for the benefit of the listener and under any interpretation cannot be construed to cover any phase of the recording field.

The passage of this amendment will create an impractical condition which will retard the progress of the recording industry, as it will be dependent eventually for its existence upon radio broadcasting. Any law is a poor and useless law which hinders the progress of the very industry for which it is enacted.

The CHAIRMAN. You are aware of the fact that the purpose of this bill, so far as recording is concerned, is directed to records to be transmitted or delivered to a radio station in a foreign country.

Mr. DAN JUNAS. That is correct.

The CHAIRMAN. For the purpose of being broadcast from any radio station in a foreign country.

Mr. DAN JUNAS. That is correct.

The CHAIRMAN. Why has not the Government the power and why is it not within its right to protect its own people from a condition of that kind, if programs are being sent from a foreign station that are not in the public interest, convenience, or necessity?

Mr. DAN JUNAS. I agree with that part of the act; but the act should be reworded to protect the individual recording company, so that if it has no intention of ever selling a program or a recording to be transmitted on a foreign station—

The CHAIRMAN. Well, is not that the very language of the bill?

Mr. DAN JUNAS. But, on the other hand, if I record a program in my studio—in other words, we will assume you walked into that studio and we recorded your voice on a program and I gave it to one of your friends who, in turn, takes it out of the country and broadcasts it over a foreign station, I am violating this act.

The CHAIRMAN. Well, does this bill say so? What is there in this bill that makes that a violation?

Mr. DAN JUNAS. On page two, the first line, "cause to be transmitted." I may not be a party to the crime, I may not have the intention; but, yet—

The CHAIRMAN. Cause to be transmitted, however, for what purpose? For the purpose of being broadcast from a radio station in a foreign country. Now if, as you say, you record my voice and you send that out, you are not recording that for the purpose of sending it to a foreign country to be transmitted back into this country, are you?

Mr. DAN JUNAS. No; that is true.

The CHAIRMAN. Well, if that is true, then are you guilty of any violation of this proposed act?

Mr. DAN JUNAS. All right; on the other hand we will assume that, as an advertising agency, you walk into my studio and request me to record a program of a group of people whom you may bring into that studio, and immediately this program is used abroad by this agency. He may state that he wants 13 copies, 12 of which are used in the United States; but, on an afterthought, he ships the thirteenth one to Canada and immediately this is used for broadcast purposes; yet it was not the intention of the producer at the time of the making of the record that it would be used from Canada?

The CHAIRMAN. Well, if it was not the intention, where is the violation?

Mr. DAN JUNAS. But it was afterward used in Canada, the thirteenth recording.

The CHAIRMAN. This says for the purpose of doing that—for the purpose of being sent into a foreign country.

Mr. DAN JUNAS. The awkward point of the bill is this: As an individual, with no intention of producing programs of that sort but in the event that one of these is actually produced or broadcast from Canada or Mexico, or Europe, or whatever the case may be, I am then to be subject to beck and call to Washington for a hearing, if some violation of that sort had been made.

The CHAIRMAN. Where it was not the original intent that it should be sent out and broadcast into the United States?

Mr. DAN JUNAS. That is correct.

The CHAIRMAN. I fail to read that into the bill.

Mr. BROWN. Mr. Chairman, I think what this gentleman means there is if he makes a record and it is then used, it would put the burden of proof on him to show he did not know beforehand that was the purpose, and I think the bill will do that.

Mr. DAN JUNAS. That is correct.

Mr. BROWN. However, I think that is true of all laws, that if there is a violation for which you are not immediately responsible but which looks, on its face, as if you are, you have the burden of proof to show that you did not know it was for that purpose. Now, I would like to ask the gentleman what amendment he would put in here that would get around anything like that, without completely vitiating the Act? If it is a good purpose to pass an act which gives authority to this Government to control an electrical transcription which can be transmitted across the border line of this country and taken up by our receiving sets in this country—if that is a good purpose, how are you going to write an act without writing it this way?

Mr. DAN JUNAS. Gentlemen, you have other recourse—not through licensing the recording stations, but by passing a bill that will prevent the shipment of recordings from the country unless affidavits are made to the effect of where they are being sent and by whom. In other words, you are trying to couple the recording industry to the Radio Act. It does not belong here. The recording field is far greater than radio will ever be.

Mr. RAMSPECK. Where do you sell your transcriptions?

Mr. DAN JUNAS. Most of our recording work is individual work for artists who perform on the air. Most of our work is test work. We have never sold a foreign transcription as yet, and we have no intention to.

Mr. RAMSPECK. Well, without the regulation of radio, there would not be any radio, would there?

Mr. DAN JUNAS. I do not quite understand.

Mr. RAMSPECK. If we had no regulation and licensing of stations, the air would be just full of a lot of sounds that would conflict.

Mr. DAN JUNAS. I agree with you there. I am not referring to radio; I am referring to coupling the recording industry with radio.

Mr. RAMSPECK. Now, suppose the Mexican Government permits the establishment of stations on every wave length we have in this country, you would destroy radio, would you not?

Mr. DAN JUNAS. Yes. On the other hand, the bill you are trying to pass will not remedy the trouble you are having there now, or may have, which we hope won't occur.

Mr. RAMSPECK. It will certainly go a long ways toward preventing it.

Mr. DAN JUNAS. There is nothing to prevent a pirate recording company from establishing a recording station at our border line. With the power of the average station, you could record directly from the air and make your transcription so that it could be used in foreign countries.

Mr. RAMSPECK. Yes, but we have control over this country and we can prevent any program being broadcast in this country of that type.

Mr. DAN JUNAS. But at the present time, with the average receiver, such as the Western Electric or the Stromberg-Carlson, by

locating those receivers on the border line you can receive almost two-thirds of the stations in the United States and re-transmit that program from that receiver without the necessity of records.

Mr. RAMSPECK. Yes; but you do not get the point. The thing we are trying to remedy is the conflict of those Mexican-border stations with American stations which are licensed and controlled by the Commission.

Mr. DAN JUNAS. That is right.

Mr. RAMSPECK. And the only way we can do it is by controlling the studios that are located in this country, that transmit their signals across the border by telephone or send them across by having them transcribed.

Mr. DAN JUNAS. That is correct.

Mr. RAMSPECK. And unless we can control that station, the Mexican border stations are going to destroy radio in America, and they will put you out of business along with the rest of them.

Mr. DAN JUNAS. I am not here to help that condition; in other words, I would like to remedy that condition, if it was in my means, but that is not the case. The case in point with me is the objection of coupling recording to radio.

Mr. RAMSPECK. What is to prevent you from asking any customer you have whether or not they are going to send this record to Mexico?

Mr. DAN JUNAS. That is permissible; I would not object to that.

Mr. RAMSPECK. That is all you have to do to protect yourself; you can contract with them that they are not to send it there.

Mr. DAN JUNAS. But bear this in mind, that under this act I am subject to section 2 in regard to licenses of the act of 1927, and that is a pretty strong regulation.

Mr. DIMOND. Do you think, before you did any recording at all, you would be obliged to get a license under this act, if this act passed?

Mr. DAN JUNAS. That is the way I believe it to read. I would not attempt to record under this act without getting a license.

Mr. WILLFORD. Would it not be well, if somebody came in to get a recording on a record, that you would have them sign an affidavit that it was not to be used in foreign countries unless they had permission from our Radio Commission in America?

Mr. DAN JUNAS. That would be a point.

Mr. WILLFORD. Then that would take the burden off of you and let each individual answer for himself.

Mr. DAN JUNAS. That is correct. You see, what I object to is the moment you license any group you automatically create a group that have control. In other words, a man located in California with a small studio could not afford to travel back and forth to Washington on hearings; therefore, he would let his license lapse and at the end of a period of a few years you would only have a select few in the recording field who were licensed. These people then would have what I term a monopoly; it may not be so in the true sense of the word; but when a group are combined and licensed by the United States Government and can state on their advertising they are licensed, they have greater prestige than the man who is not licensed.

Mr. RAMSPECK. But this bill does not require any license, unless you propose to make a transcription for use in a foreign country.

Mr. DAN JUNAS. We will assume I am going to make a record of an artist for phonograph purposes, such as is the case with the Brunswick Record Co. and the Columbia Record Co. That is a transcription, now, and it is the ordinary record that is sent to the homes, a 3-minute record: Now, in the foreign field this record would bear the fact that it was licensed by the Radio Commission according to such and such an act. Now assume an independent trying to sell his recordings in the foreign field!

Mr. RAMSPECK. You would not have to get any license for that purpose, under this bill.

Mr. DAN JUNAS. The moment you send a record out of this country, whether it is a 2-minute record or a 5-minute record, you must take out a license; because our own stations in this country, smaller stations, use Victrola records for broadcasting, and foreign countries do the same thing. The average home record is used.

The CHAIRMAN. Yes; but even if it is for broadcasting in another country and the signals cross the border line and come back into this country, it is still not a violation under this bill unless it is sent out there expressly for the purpose of being sent back into this country.

Mr. DAN JUNAS. All right. Then I could evade the act immediately; if I was a pirate, I could make a series of fifty 5-minute, home-size Victrola records and shoot them to Mexico for home consumption. The station operator down there may select these 50 records and put them on one right after the other; every 5 minutes a new record goes on. That record, according to that version, is not under the act; yet it can be used for that purpose.

The CHAIRMAN. According to this, it must be for the purpose of being sent back into this country.

Mr. DAN JUNAS. Then the act is not sufficient.

The CHAIRMAN. For the purpose of being broadcast from any radio station there.

Mr. DAN JUNAS. In other words, we take the average home Victrola record that you have in your home——

The CHAIRMAN. There might be something in that point; I am not prepared to say.

Mr. DAN JUNAS. You take the average home Victrola record that you have in your home and send out 12 of them to Mexico to some private consumer, of course the company that sends it out here does not send it out for a rebroadcast, yet it can be used for that purpose.

The CHAIRMAN. Yes; it does say for the purpose of being broadcast from any radio station in a foreign country. Now, do you record advertising matter?

Mr. DAN JUNAS. Yes; for advertisers; but we do not use this for rebroadcast, or put it on any station whatsoever. Our work is mostly check copies for the material they are going to use in their live broadcast, or audition records for artists who wish to show their talents to advertising agencies in New York City.

The CHAIRMAN. Suppose you exclude from the record transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any station there, "all advertising matter?"

Mr. DAN JUNAS. That would not remedy your condition. It may remedy mine, but it would not remedy your condition down in Mexico.

The CHAIRMAN. Is not the very heart of the condition there for the purpose of broadcasting advertising matter to the United States? In other words, suppose you took away from those stations the right to send advertising matter into the United States, would that reach the condition?

Mr. DAN JUNAS. No. The objection to the broadcasting of Mexican stations is the use of talent that was paid for by others in the United States. In other words, there is pirating going on on the west coast, where programs are recorded, paid for by some other sponsor, and then changed around to be used with advertising matter of a Mexican nature. That is one of the conditions, I believe, the commission was trying to rectify with the passage of this act.

The CHAIRMAN. Well, assuming that your contentions are correct, what would be the hardship in getting the permission from the Radio Commission? Where would it be attended with so much expense? You show in your application that you are coming within the law.

Mr. DAN JUNAS. I would have no objection to getting a license, but I would not like to have what happened in the radio industry, in radio broadcasting, where 80 percent of the cleared channels were given to 20 percent of the stations, leaving the balance of 20 percent cleared channels for 80 percent of the stations. Also, the fact that before the passage of this act, we had 790 stations in the United States; today we have 400 and, by the wording of the act, the small man was eliminated.

He was given hearings, that is true; but, when you have money behind you, you can spend more than the little man introducing programs and, in turn, causing advertisers to use your station. And as this went on, the cleared channels were used by two groups, two major networks. The little fellow has no chance in radio today; because, as time goes on, his programs will stay about the same as what he has now; whereas those deriving the greatest amount of money in advertising will continue to build up.

Now, that same condition will be set up with the licensing of recording; because the moment recognition is passed on any particular group or industry, the small man, probably the man who created the art, is subjected to additional expense. That expense may be only a railroad trip to Washington; that may be true; but, to protect himself in litigation, he must continue coming to Washington if there is any question that may come up regarding his position.

The CHAIRMAN. Was it not generally conceded at the time the Radio Act was passed that there were so many stations on the air the air was cluttered up and there was interference?

Mr. DAN JUNAS. That is correct.

The CHAIRMAN. And that radio was not serving its useful purpose and it was generally known that some of the stations would have to go off of the air?

Mr. DAN JUNAS. That is correct.

The CHAIRMAN. And is not radio limited by reason of the limited number of wavelengths available for broadcasting purposes?

Mr. DAN JUNAS. That is correct.

The CHAIRMAN. Does any such condition as that exist in the recording business?

Mr. DAN JUNAS. Not at the present time.

The CHAIRMAN. Then, the situation there is not analogous to the situation that existed at the time the Radio Commission tried to clear the air by eliminating unnecessary stations, is it?

Mr. DAN JUNAS. That is correct; there is no comparison there.

But the objection is, if this thing does occur, which I am not saying that it will; I hope it does not occur—where the regulations will throttle the small man in the recording field; because, after all, radio was built up to its present state almost 10 years ago by 20,000 amateurs and today the control is vested in others who had nothing, who had spent no money at that time in building up to the point of transmission.

The CHAIRMAN. Well, is there not a very broad field, even today, that is provided for amateurs and in which they can still operate?

Mr. DAN JUNAS. I would not say it is as broad as they are entitled to; because, after all, they opened up the fields below 200 meters and today commercial broadcasting has been put down into those bands, and always causing them to shift down to another band. That is, during the period of 1921 to 1926, they were forced down into lower wave bands, to create and experiment in those bands, and they were the ones that pioneered in those fields and later on the commercial companies took advantage of it and went down into those bands where the best results were obtained.

The CHAIRMAN. Just for the purpose of clarifying the record there, may I ask, Judge Sykes, what are the wavelengths in which amateurs may now operate?

Mr. SYKES. May I ask Dr. Jolliffe to answer that question?

The CHAIRMAN. Yes.

Mr. JOLLIFFE. The amateurs are authorized to use frequencies between 3,500 and 4,000 kilocycles—between 1,715 and 2,000 kilocycles is the first one; 3,500 to 4,000 kilocycles is the next; 7,000 to 7,300 kilocycles; 14,000 to 14,400 kilocycles; 28,000 to 30,000 kilocycles; 56,000 to 60,000 kilocycles; 400,000 to 401,000 kilocycles.

I might say all of these bands are allocated internationally by the International Radio Treaty to amateurs, as well as nationally in this country. Under the international treaty, they are not all exclusive, all the bands mentioned are not exclusive to amateurs; but in the United States and Canada these bands are exclusively for amateurs. That is, we have gone beyond the international treaty in our being liberal to amateurs, in giving them the exclusive use of those bands.

Mr. SYKES. I might add, Mr. Chairman, that the United States has always been noted for its advocacy and protection of amateur radio. One of the greatest fights we have in international conferences is properly to take care of the amateurs, and the United States has always been the champion of the amateurs internationally, as well as providing for them in this country.

The CHAIRMAN. Are there any further questions, gentlemen? Is there anyone else who desires to be heard, any other witnesses who desire to be heard this morning? If not, I think we might hear from Judge Sykes on the amendment to the bill as it passed the Senate.

**STATEMENT OF HON. E. O. SYKES, CHAIRMAN FEDERAL
RADIO COMMISSION**

Mr. SYKES. Mr. Chairman and gentlemen, the amendment adopted by the Senate to the bill is on page 2, the latter part of the first section, beginning with "*Provided.*"

It reads:

Provided, That nothing in this section shall apply to the use of any radio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio-broadcasting station licensed by the Federal Radio Commission.

I am afraid that amendment would create some embarrassment. For instance, as we have discussed before, this bill is primarily aimed at controlling broadcasts by remote control from the United States to foreign stations, whose programs are then rebroadcast by those foreign stations and reach the United States territory. Now, if this amendment should be added to the bill it would mean, as I see it, this, that one of these people might buy time over some of the small stations located, we will say, for instance, in the State of Texas, and thereby broadcast that program simultaneously over this small station in Texas, and the rebroadcasting then from the foreign border stations in Mexico reaching this country. In other words, if they bought that time from these stations, by illustration, in Texas, then they would not come within this rule.

Then the Federal Radio Commission would possibly have to set for hearing all of the renewal applications of these licensees who were broadcasting in the United States these programs, and then hold hearings and decide whether or not that was in the public interest. That would take quite a good deal of time and quite a good deal of trouble and would slow up very much the machinery of trying to stop what this bill is aimed at. For that reason, I would much prefer to see the bill pass without the amendment.

I do not think there would be any trouble where there are no controversies existing, for instance, between Canada and the United States, to obtain the permission for the rebroadcast by the Dominion of Canada. Our relations are most amicable. We have always gotten along splendidly with Canada in radio, and I am sure that this amendment to the bill was to cover that situation; but I think with the trouble that might follow, as I have pointed out, the bill certainly would be much stronger if passed without this amendment. In other words, I very much fear that the amendment might cause quite a good deal of embarrassment and trouble in the future, if it remains in the bill.

The CHAIRMAN. Are there any questions, gentlemen?

Mr. LEHLBACH. Yes. Judge Sykes, it has been suggested, I believe, at the hearing here before I came in that the requirement of

a permit for every sending out of the country of broadcasting material, either records or in some other way, would be embarrassing and would interfere with the legitimate business of these transcribers and manufacturers of records, and other people. Now, under this bill is it not feasible to give a blanket permission to do that, reserving out of that permission the well-known outlaw stations?

Mr. SYKES. I see no trouble at all, Congressman, in getting that permission. Certainly the Congress and the Radio Commission want to preserve and do what they can to foster the business of electrical transcriptions and phonograph records, and they would do nothing to embarrass that business, I am sure.

The CHAIRMAN. Are there any further questions, gentlemen. If not, thank you very much, Judge.

(Thereupon the committee went into executive session at the conclusion of which an adjournment was taken until Tuesday, Feb. 27, 1934, at 10 a.m.)

REMOTE CONTROL BORDER STATIONS—H.R. 7800

THURSDAY, MARCH 1, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE OF THE MERCHANT MARINE,
RADIO, AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler O. Bland (chairman), presiding.

The CHAIRMAN. Now, Mr. Thomason, I believe you have something you want to say to the committee.

Mr. THOMASON. I would like to be heard briefly, as well as have you hear, a friend and constituent of mine on this radio bill, if you have not closed the hearings.

The CHAIRMAN. All right; just come forward, and make your statement.

STATEMENT OF HON. R. E. THOMASON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. THOMASON. Mr. Chairman, and gentlemen of the committee, first I should like to read a telegram for your consideration, addressed to me from the West Texas Chamber of Commerce, of which Mr. D. A. Bandeen is manager, and may I say that this is a regional chamber of commerce that represents the west half of the great State of Texas, and is a reputable and worthwhile organization that looks after various public matters in that vast territory:

We urge in behalf of Del Rio that hearing on Bland's radio bill be postponed from March 1 to March 15, so as to enable Del Rio adequately to present its cause on behalf of remote control broadcasting. This is fair play and hope you can arrange postponement.

Now since the receipt of that telegram, it so happens that a good friend and constituent of mine, Judge W. F. Boggess of Del Rio, has come to the city on other business and he is in receipt of some wires this morning, and would like to appear before the committee, if you would be willing to hear him for a few minutes. Before I present him, may I say this: Judge Boggess is a very active and a prominent lawyer in that section of the country. He is here on other business with the Comptroller's office and is not employed by anybody in this matter; but, as a citizen of Del Rio and the border country, does feel a very great personal interest in this matter.

I am sure this bill will be considered on its merit rather than on any prejudice against Dr. Brinkley. As I said to the committee the other day, I do not know Dr. Brinkley and have never met him.

I hold no brief for him and, therefor, have no personal interest in him; but I am at Del Rio frequently, as I was last year several times, and I know what radio facilities mean to the people in that great, big, wide-open country.

Now Del Rio is a prosperous, growing, little city of about 12,000 people and you have frequently heard the expression that that is a country of magnificent distances. In other words, my district is more than 600 miles long and larger than most of the States from which you come, and the towns are very few and far between and, except for irrigated sections along the Rio Grande, it is a desert country and there is not much entertainment. So aside from any money or commercial value that this may have brought to this little city of Del Rio in the way of two or three hundred entertainers, who I understand are there now, it has brought clean, wholesome entertainment to people in a wide expanse of country. I do not mean to say with the radio facilities now and with the right kind of machines, they could not get some radio entertainment from other stations; I do not mean to say anything like that, because I know better; but this is a question of the employment of a lot of people and it is a question, in addition to the entertainment which they have, of advertising that section of the country and letting people know of the fine climate and many attractions. It is a high, dry climate where hundreds go for lung and bronchial troubles. This radio station has advertised the national highway along the Mexican border, and I know it has encouraged friendly relations with the people of Mexico.

And when it comes to the Mexicans, a lot of people misunderstand them. I have lived on the Mexican border for 20 years, and any trouble that has ever arisen along the border between the people of the two countries has come about because of misunderstanding. And we need to encourage these friendly relations. And of course, too, in our own country along the border, nearly all of the Mexicans are American citizens. It is true that most of them are poor people and even an ignorant people; but that station down there has brought lots of them employment; it has brought nearly all of them entertainment.

I have visited this station over across the river at Villa Acuna, one of the finest in the country; nevertheless, it is in Mexico. And when it is all boiled down, it seems to me about all we will get out of this bill if it becomes a law, so far as those people down there are concerned, is to drive them across the river.

The CHAIRMAN. Mexico has already taken steps to put that station out of business.

Mr. THOMASON. Yes; but may I say that is because, as I understand, they accuse Dr. Brinkley, who seems to own a large and perhaps controlling interest in the station, with improper advertising about his cures and also failing first to give his entertainments in Spanish, rather than in English.

The CHAIRMAN. Well, that is a part of the code that was promulgated in Mexico, that they would have to do that.

Mr. THOMASON. I think probably that is right, and that is up to Mexico.

The CHAIRMAN. Is there any necessity, to serve that territory around there, that he should have this enormous power that is pound-

ing out all over the United States and interfering with stations all over the United States?

MR. THOMASON. Well, of course, I do not know what the Mexican Government is doing about it, except what I see in the press and, as I understand it, his license permit has been canceled because of his failure first to deliver these programs in Spanish rather than in English. But, frankly, I do not profess to know the merits or demerits of that situation; my interest in it is that I know the people down in that section feel like the station has been a blessing to that part of the country, rather than in injury. And I know they do not want to injure people in other sections of the country. Brinkley can still make records in this country and take them across the river to his station. If he can patch up his troubles with Mexico the broadcast will go merrily on.

Now, I will appreciate very much if you will hear Judge Boggess from Del Rio for a few minutes.

The CHAIRMAN. We will be delighted to hear him.

STATEMENT OF W. F. BOGGESS, DEL RIO, TEX.

MR. BOGGESS. Gentlemen, I confess to some considerable embarrassment, because I do not know whether I am appearing as a witness or merely to tell you gentlemen something of the facts. Whether on oath or not, I assure you the facts I shall relate to you are true.

I do not in any sense represent Dr. Brinkley at this hearing. I have just returned from Boston, and, incidentally, I find the Washington climate a very mild spring climate in comparison with the New England climate, and my chamber of commerce, advised through my bank, for which I am here, that I would be here, wired me to come before this committee and see if there was anything I might do to delay the passage of this bill until the Chamber of Commerce of Del Rio could make some case as to why we believe this bill should not be passed.

Now, gentlemen, I have resided there for 28 years. I cannot agree with all that Mr. Thomason has said in regard to its being a desert country. It is probable to you gentlemen it would seem to be a desert country; but, frankly, it is one of the greatest sheep-and-goat raising countries in the world, and in Del Rio we concentrate more wool and more hair than is produced in any one place in the United States. It is a country of magnificent distances; ranches are located, of course, all over the country, and some of them are miles, hundreds of miles, even 150 miles away from any railroad or any kind of communication other than the radio.

Dr. Brinkley came to Del Rio and proceeded to bring some 300 or 350 families with him. He announced to our chamber of commerce that we should have 30 minutes every day on his program to advertise our climate and the commercial possibilities of our country. Not only does he permit us to have that time, but he persistently, in advocating to his patients that they come there, spends the great bulk of his time telling about what a magnificent climate we have, telling these people up here in the snow that they can come down into Texas and get away from the rigors of winter, and telling particularly of our splendid roads, which we have spent millions of dollars on. As a consequence, our town has been benefited; all the

for-rent houses in our town have been taken; the buildings that were vacant on Main Street have been rented, and we have an extremely prosperous town now because of the fact that this radio station is located there. Should this bill pass—and, as I understand, it is one anomalous measures passed by the United States Congress aimed at one little spot in Texas, to wit, the remote control across the river about 2 miles from Del Rio—

The CHAIRMAN. I think, Judge, there were 4 or 5 others, particularly 1 other, and 5 altogether, were there not, Dr. Jolliffe?

Mr. JOLLIFFE. There are five stations now in operation.

The CHAIRMAN. In operation?

Mr. JOLLIFFE. Yes, sir.

The CHAIRMAN. How many with studios in the United States?

Mr. JOLLIFFE. All of those, sir.

The CHAIRMAN. All five?

Mr. JOLLIFFE. Yes.

Mr. BOGGESS. My understanding, Judge Bland, is that there are only three that have remote control and most of them are so weak that they could not possibly interfere with any program in the United States, or cause any trouble or any inconvenience. And, frankly, we believe that the entire matter is a general bill for a specific purpose—to get Dr. Brinkley off of the air.

Now, if it could accomplish that, if the bill could accomplish that, there might be some real reason for its passage; but there is nothing to prevent Dr. Brinkley from riding across the river, where we have a very expensive and certainly very efficient international bridge, and continuing his broadcast just exactly as he now continues it, and the United States cannot possibly say to Mexico what she is going to do about the power, the length of the wave, or anything else that may concern this station; because we are dealing with a sovereign country.

You said something about Mexico having probably temporarily closed the station. Unfortunately, our sister Republic at the south is governed in such a way that we realize we may have trouble eternally with them, but it is a matter that is very easily straightened out when one goes down to the city of Mexico, and I feel sure Dr. Brinkley will straighten out his troubles with them.

The CHAIRMAN. Well, we spent 6 weeks down there last summer and thought we were seeing the right people; they were the representatives of the Mexican Government, the authorized representatives, and we did not get anywhere with them.

Mr. EDMONDS. He said see the right people and approach the folks who want to be seen.

Mr. BOGGESS. I said, Judge Bland, the ones who want to be seen.

As I understand it, there were 8 votes in that hearing and the United States had 1 and the South American Republics had 7, and those whole 7 voted against the United States in this matter. I may be wrong in my information, but that is my understanding.

Now, Mr. Thomason said something about the presence of Mexicans in Texas. Of course, as you gentlemen know, it is rather historic that we acquired Texas from Mexico, and in the acquisition we did not do to the Mexicans as the United States did to the Indians. They are there and they multiply with extreme rapidity. They are

scattered all over our country. They are our entire source of labor supply and we have no Negroes and we have very few white men that we can depend upon to work. We find that these men out on the ranches, isolated, hundreds of miles away from anything in the world, are perfectly satisfied if they can sit around a little cheap radio—and it does not make any difference how cheap it is, the power of this station is so great that they can pick it up wherever they happen to be—and it has been a real source of value to our ranchmen on that account.

And now, as for what Dr. Brinkley is doing for humanity or not doing for humanity, I am not here to say. I do know this, that he is bringing in great hosts of people—hosts of people—into southwest Texas and bringing people from Canada and from all over these United States down there. I know that because of the fact that I see them on our streets every day and, apparently, they who come there and pay for the things that Dr. Brinkley advertises seem to be thoroughly happy at what they get. Now, whether that is of any value to them or not, certainly is not for me to say; but I do know that it has been of inestimable value to our country and the resources of our country. And should you pass this bill and should the American Radio Commission put Dr. Brinkley off of the air, as they have in Kansas, the only result will be that that three or four hundred people that now reside in Del Rio will have to move across the river to Mexico, and the thing will go merrily along, and nothing will have been accomplished except you will have helped to destroy a very prosperous and happy community down in Texas.

Mr. TERRY. Is there a town in Mexico opposite Del Rio?

Mr. BOGCESS. Oh, yes, sir; a very prosperous little Mexican town over there. Of course, these people do not want to live over in Mexico if they can help it.

Mr. TERRY. Judge, do you not think the effect would be that they will just move the program over into Mexico; that is, the artists who will give the program?

Mr. BOGCESS. Dr. Brinkley would, unquestionably, do so; but these artists and the people who labor, who work at the radio station, probably could not do so, because of the extreme cost of crossing the bridge some 4 or 5 or 6 times a day. The tolls on the bridge, I believe, are 25 cents for a car with one passenger and 10 cents for each additional passenger.

Mr. TERRY. Do you think the hospital would be moved over?

Mr. BOGCESS. There is no hospital. Dr. Brinkley has rented one of the floors in one of our most modern hotels there and is using it for a hospital. I do not know whether, of course, he would attempt to move his hospital to Mexico or not; but I am quite sure that these entertainers and the laborers of the radio station, who now operate through remote control, would have to move over into Mexico.

Mr. TERRY. What is the population of that town across from Del Rio?

Mr. BOGCESS. I would say, roughly speaking, it is about 2,000 people.

Mr. TERRY. And Del Rio is about ten?

Mr. BOGGESS. Del Rio, I believe, was twelve-thousand-five-hundred-and something at the last census, and we boast now that we have some fifteen thousand to eighteen thousand people.

Mr. MORAN. About how many patients are there down there?

Mr. BOGGESS. It is commonly reputed—now I cannot answer that question from personal knowledge, but it is commonly reputed that Dr. Brinkley operates, on an average, on seven people per day. Now how many people he examines, I do not know. I understand his method is—I have heard him over the radio make the statement that he wanted people to come back to him at least once every 12 months for examination, and how many of those people come, I do not know; but I do know that our hotel, which was a failing proposition, is now paying some \$400 a month on its debts, purely by reason of the fact that Dr. Brinkley conducts his operations there.

Mr. TERRY. Is there a large hotel in the town on the opposite side of Del Rio?

Mr. BOGGESS. No, sir; there is no hotel over there, except one little place, a Mrs. Crosby—a most famous restaurant on the border—who has a few rooms upstairs that she could very easily enlarge.

Mr. MORAN. What I was trying to find out was whether, in your opinion, you think the patients themselves would be likely to stay in Del Rio, instead of across the river?

Mr. BOGGESS. Well, I doubt, of course, Dr. Brinkley's ability to take them across the river, although he seems to have the ability to fascinate them quite thoroughly and he has a license to practice medicine in Texas. I do not know now whether he has a license to practice in Mexico, or not; as a matter of fact, I very seriously doubt that he has, because he made the statement to me not very long ago that they were demanding of him that he prove in Mexico that he was a doctor, and about the only way, apparently, that he was ever going to be able to prove it was to go down there and stand an examination and get a license to practice in Mexico.

Mr. MORAN. I am trying to analyze what the loss would be. If the patients would stay in Del Rio, then you probably would not lose them. Now, if you are going to lose the entertainers, how many are they?

Mr. BOGGESS. They are the people, sir, who rent our houses and fill up the yawning vacant spaces that we did have before they came.

Mr. MORAN. You mean the patients are the ones?

Mr. BOGGESS. No, sir; the entertainers; the people who are employed by the radio station for entertainment purposes.

Mr. EDMONDS. Judge, the doctor's raw material is right in the neighborhood, too, is it not?

Mr. BOGGESS. If you will pardon me, sir, Dr. Brinkley may, in his early days in Kansas, have advanced his goat-gland transplantation, but he does not do it now. We have plenty of goats; yes, sir, worlds of goats and very healthy goats [laughter], and I am quite sure that should one of those billy goat glands be transplanted in some of us older men, it might be of some effect [laughter], but Dr. Brinkley is not pretending to do that now.

The Lord knows I do not want to appear before this committee and pretend to say that I know anything about medicine, but I have listened to him a great deal over the radio and he certainly has not,

since he has been in Del Rio, ever said anything about the transplantation of a gland. On the contrary, he is making what purports to be a very simple prostate gland operation, and the people on whom he makes it, incidentally, now, gentlemen, permit me to say that it is not just a bunch of plain common suckers that are brought down there by advertising. The district attorney of Kansas City was down there and called on me in my office, dropped around to see me, and he was the most enthusiastic man about what Dr. Brinkley had done for him of any man I have ever talked to in all my life and, incidentally, despite the fact that he was the district attorney in Kansas City, he was a very, very intelligent gentleman, extremely well read. And so I am absolutely confident that if you gentlemen will postpone this hearing and give Dr. Brinkley an opportunity to present satisfied patients to you, you will find that Dr. Brinkley can absolutely swamp this committee with all kinds of evidence of the fact that the people on whom he has operated are satisfied with the work he is doing.

The CHAIRMAN. If we were to do that, Judge, would we not substitute the committee for the Federal Radio Commission? And the legislation is not directed entirely at Dr. Brinkley and his station, as to remote control, but all these other stations; and if we were to do that, we would have, in all probability, to accord the same opportunity to Mr. Baker, the man from Muscatine, Iowa, who is down there, and all of these other stations.

Mr. BOGGESE. Judge Bland, if you will pardon me, my honest opinion is, from all the information we have been able to get about the origin of this bill, that it is inspired by the American Medical Association and aimed at one man, and you gentlemen are called upon to pass legislation—

The CHAIRMAN. Well, then, wouldn't we have to give an opportunity to the American Medical Association?

Mr. BOGGESE. Yes, sir; I guess that is quite true.

The CHAIRMAN. And the bill would be pending a long while yet.

Mr. BOGGESE. Dr. Fishbine would be down with all kinds of evidence of what is taking place, I guess.

Now, just to show you the extremes to which those gentlemen will go—and in this matter I was Dr. Brinkley's lawyer—when he came down there and advertised the fact that the station was to be constructed across the border from Del Rio, when he came to Del Rio and rented him a home and actually moved his wife and child into the place, immediately—immediately—a suit was filed in Dallas, Tex., some 300 miles away, for the purpose of revoking his license to practice medicine in Texas.

I went up there and employed Jed C. Adams, who is now a member of the Board of Tax Appeals, to assist me in presenting a petition or a motion to change the venue down into Valverde County, where it belonged, and Jed Adams and I appeared before the district judge and there were at least 30 or 40 doctors who came down there to listen to this hearing on a motion to change the venue—not to change the venue, but a plea of privilege to be sued in Valverde County. And they showed so much activity in the matter that the district judge, who came up for election at the next primary, was actually frightened at the situation that confronted him, and overruled our motion and forced us to appeal to the Court of Civil

Appeals, where the case was very promptly transferred down to Valverde County for trial, where the people were familiar with the situation, and the case was promptly dismissed and that is the present legal status of it.

I do not know—I am not pretending to say to this committee that Dr. Brinkley is a great physician or is doing any great work for humanity. I do know this, that he has put our country on the map; for the first time, we have ever received any favorable advertisement, he has given us an opportunity to tell the people of the world what we have down there and the attractions we might offer to the other people on the country. And we have broad, open spaces that ought to be filled up with people [laughter], and we do not want to be deprived of the opportunity to tell the world about what we have. And certainly if this remote control bill is passed, then we cannot go across into Mexico and talk about Del Rio and Texas without paying a very large sum of money for it, which we cannot afford to do.

The CHAIRMAN. Have not you other stations near there—Americans stations?

Mr. BOGCESS. No, sir; San Antonio is the nearest station, 160 miles away.

The CHAIRMAN. That is quite a considerable station, is it not?

Mr. BOGCESS. Yes, sir; San Antonio is a very considerable station.

The CHAIRMAN. What is the power; do you know?

Mr. BOGCESS. I think it is 50,000 watts, or whatever you call it.

The CHAIRMAN. What is it, Dr. Jolliffe, do you recall?

Mr. JOLLIFFE. That is correct—50,000 watts, or 50 kilowatts.

Mr. BOGCESS. But certainly that station is not interested in advertising our particular section of the country.

Mr. SIROVICH. Have you been the legal representative of Dr. Brinkley?

Mr. BOGCESS. I have been; yes, sir.

Mr. SIROVICH. Can you tell this committee the nature, or the substance of some of the addresses he has been making on the radio?

Mr. BOGCESS. I have no idea in the world, sir, about medicine.

Mr. SIROVICH. But you have an idea of the things you have heard?

Mr. THOMASON. He means what you have heard him say.

Mr. BOGCESS. Oh; Dr. Brinkley's great slogan over the radio at the times I have listened to him—frankly, I do not listen to him all the time a great deal, but the times I have heard him, his slogan has been "clean out and stay clean." And, frankly, I think that is just about as good advice as anybody can get.

Mr. SIROVICH. I am talking about the medicine; I mean what has he been saying about this glandular treatment of his?

Mr. BOGCESS. Oh, he just tells you if you have a prostate gland, a diseased prostate gland, to come down there and he can cure you. I do not know whether he tells you or not, but I think you have to bring \$750 along with you to get the operation.

Mr. SIROVICH. Did you know that he has been disseminating news over the broadcasting band in which he has been telling his prospective customers to just send him the symptoms of the disease that they have; that they need no physical examination; that they do not have to go to any physician; that it is a shame to be examined by a physician and to expose yourself physically to a physician, and

by sending him your symptoms, even without your name, he will let you know over the broadcasting band what is wrong with you. And when you send him a letter he has a number and reads this number over the radio and you go to the drug store and ask for the particular prescription that he prescribes, and you are charged, for a preparation that may be worth 7 cents, \$10 and you are told to use this bottle 4, 5, or 6 times—imposing upon the credulity and the superstition of the average person who listens. Do you think it is fair that your county or any other county should have that type of medicine imposed upon you?

Mr. BOGGESS. Frankly, sir, I do not believe your statement is correct.

Mr. SIROVICH. My authority for this statement is none other than the Commissioner of the Federal Radio Commission who has listened to him over and over again, and who told me the story only 2 days ago. And, for the sake of the record, the gentleman who gave me this information I am quoting almost verbatim is Commissioner Harold A. Lafount.

Mr. BOGGESS. I have no doubt you are attempting to quote the truth and telling what others have said to you; but have you listened to Dr. Brinkley? I have talked to Dr. Brinkley a great many times and I know Dr. Brinkley is not now doing that. Now up in Kansas, where they took his radio license away from him, I understand that he did have a chain of drug stores over the whole country in which he did sell some kind of prescriptions; but, since Dr. Brinkley has been in Del Rio, he has one drug store and that is a drug store located in Del Rio, and he does not now advertise—he does not—any such remedies or any such examinations. I state that with some degree of emphasis. I may be incorrect; because, of course, I have not listened to everything he has said over the radio, but I know he has no chain of drug stores now where any prescription can be filled, except the drug store at Del Rio.

Mr. SIROVICH. Is the gentleman a member of the Bar?

Mr. BOGGESS. Who?

Mr. SIROVICH. You.

Mr. BOGGESS. Yes, sir.

Mr. SIROVICH. Does the gentleman subscribe to the ethics of the grievance committee of the Bar Association of Texas?

Mr. BOGGESS. I do, sir, with pleasure.

Mr. SIROVICH. Do not you think a medical man should subscribe to the ethics of the committee of the American Medical Association, and the American College of Surgeons, as to what the ethics of their profession are?

Mr. BOGGESS. I am inclined to think they should, sir.

Mr. SIROVICH. That is what they are trying to do, and the gentleman has just stated that these very groups were the ones first opposed to the practice of Dr. Brinkley. And do not you think they are justified to follow the precedents of the medical profession and all of its traditions and everything else and to have only those who practice in the light and as judgment and reason and experience commands them to do?

Mr. BOGGESS. Of course I am an ethical lawyer.

Mr. SIROVICH. Well, if you are an ethical lawyer, why should we not have ethical doctors?

Mr. BOGGESS. I believe in ethics.

The CHAIRMAN. Mr. Thomason has vouched for Judge Boggess, and I believe it from his appearance.

Mr. BOGGESS. I believe in ethics in all things, but I do not know that the Medical Association has been reluctant to accept any kind of innovation in their profession.

Mr. SIROVICH. It is not unique, the endochondral treatment; Dr. Brinkley is not a pioneer in that work. The greatest pioneers in that work are men who have been working for the last 30 years in the United States, and it has not been Dr. Brinkley. He is only a follower who is trying to exploit the great advances that have been made, for his personal benefit.

Mr. BOGGESS. Well, do you think he is now advocating the transplantation-of-gland theory?

Mr. SIROVICH. Do you know anything about the transplantation of glands?

Mr. BOGGESS. No; nothing whatsoever.

Mr. SIROVICH. I know a great deal and it would be unfair to take advantage of you on that basis; but the transplantation of glands has not accomplished—

Mr. BOGGESS. Do you not know that Dr. Brinkley is not now doing it, or attempting to do it?

Mr. SIROVICH. I do not know what he is doing; but we have to judge of the future by the past and, if he wants to practice, he should practice in conformity with the standards of the medical profession.

Mr. BOGGESS. I have no doubt about that, sir; but the objection I have to this bill is that the United States of America is passing a general bill applicable to all of this great country, aimed at one little spot in America, that it is going very seriously to hurt if you pass the bill.

Mr. SIROVICH. But my distinguished friend realizes if you have a little cancer of the breast you have to remove the whole breast in order to save the patient; and if you are going to allow this gentleman to proceed with this outlaw organization on the outskirts of America, which interferes with Congressman Ramspeck and Senator Cohen, of Georgia, who operate legitimate stations, and other stations which he is interfering with, we won't have any radio, and it is an outlaw agency that ought to be curbed in some way before other organizations avail themselves of the same privileges and prerogatives.

The CHAIRMAN. I again call attention to the fact that this legislation is aimed not alone at Dr. Brinkley's station but all of those offending stations.

Mr. BOGGESS. I know it is, Judge Bland—

The CHAIRMAN. And any other in the future.

Mr. BOGGESS. Of course, there might be something more in the future come up about it, but right now that is the only place, and incidentally the passage of this bill is not going to affect Dr. Brinkley in the least; because all he has to do is to ride across the bridge and continue his broadcasting.

The CHAIRMAN. Are not there some very rigorous labor laws in Mexico that might interfere with that?

Mr. BOGGESS. No, sir; none that I know of; none that I am familiar with.

Mr. SIROVICH. Do you think it is fair to treat patients by correspondence without examining the patients and knowing whether the drugs are contraindicated or indicated?

Mr. BOGCESS. I am not here to defend Dr. Brinkley in anything that he is doing; I do not know anything about Dr. Brinkley's methods.

Mr. SIROVICH. Would your county be willing to take advantage of the weakness of mankind by imposing upon their credulity, simply because it put your county upon the map?

Mr. BOGCESS. I am now here to say, so far as I have ever heard Dr. Brinkley over the radio, that he does not now advocate he can do any such thing.

Mr. SIROVICH. Why doesn't he advocate it directly through the regular channels of Valverde County, or your regular radio stations; why doesn't he broadcast in conformance with the standards of our country; why does he go across to Mexico to do something in Mexico he is not permitted to do in our Republic? Why does he do indirectly what he cannot do directly?

Mr. BOGCESS. The Radio Commission took him off of the air is the principal reason.

Mr. SIROVICH. Well, the Supreme Court or other courts have confirmed that conviction. We have courts of competent jurisdiction still to do justice and to right wrongs, and I presume with the money flowing in to Dr. Brinkley that he, through the valuable aid of all of his counsel, could have secured the best counsel to represent him before the courts, and to right a wrong if there was any; but, in view of the fact that the other courts have confirmed the decision, it shows he was doing something that could not be sanctioned by law.

Mr. BOGCESS. As to that, I know nothing. I know nothing of Dr. Brinkley's practices or associations before he came to Texas, and I do not know anything of the history of the revocation of his radio license.

Mr. SIROVICH. That is a part of the records here.

Mr. BOGCESS. You understand, sir, I am not here as an advocate of Dr. Brinkley and have certainly made no brief of his case whatsoever. I am here only because I chanced to be up here to represent my bank before the Comptroller's Department, and my chamber of commerce discovered I was here and wired me to come around and see if there was anything I could do for Del Rio on this proposition. That is the only excuse I have for being here.

Mr. SIROVICH. Have you a radio broadcast station in Del Rio today?

Mr. BOGCESS. No, sir.

Mr. SIROVICH. And not any in the immediate locality?

Mr. BOGCESS. No, sir.

Mr. SIROVICH. There is none anywhere; the nearest broadcasting station is the San Antonio broadcasting station WOAI. Could Dr. Brinkley advertise over that station if he was within the realm of reason and fairness in advertising?

Mr. BOGCESS. I just do not know, sir; I do not know what the Radio Commission might permit him to do. I do know they took him off the air, and what they might do to him hereafter I do not know.

Mr. WILLFORD. Is it not true the reason he went over there was that he could have increased power to reach back the full distance across the country, and that the enormous power he uses on that side is the bone of contention?

Mr. BOGGESS. I know he has—that is, I do not know it, but I have been advised that he has—probably the most powerful station in the United States, or, rather, on this continent.

Mr. WILLFORD. And that it interferes a great deal with other stations all over the country, and if he would rectify that mistake I do not believe there would ever be any controversy.

Mr. BOGGESS. As to that, I understand that it is entirely a matter that is up to the Republic of Mexico, as to what wave length he should use, and when, and where, and how he should be on the air.

Mr. SIROVICH. Does my distinguished friend know that the Mexican Government, only the other day, sent soldiers and troops to disband that station?

Mr. BOGGESS. That has occurred since I left home.

Mr. SIROVICH. I was told only day before yesterday that the Mexican Government had sent a force of soldiers and troops to take down that entire station and to do away with it.

The CHAIRMAN. That was in the papers.

Mr. BOGGESS. Frankly, I am just perfectly certain it is not true. Now the station has been closed; but I was in conversation with the president of my bank last night and I am quite sure, if there had been any movement whatsoever to disband the station, the boys would have told me about it; and I am also just in receipt of a telegram this morning from the president of our Chamber of Commerce and I am quite sure, had anything of that kind occurred, he would have told me something about it. I do know the station has been closed.

The CHAIRMAN. Primarily, as I understand your appearance, Judge, you are asking for a continuance of 2 more weeks of this case to allow witnesses to appear?

Mr. BOGGESS. Yes, sir.

The CHAIRMAN. I want to call attention to the fact that we first had hearings on this bill on February 15, and protests from Del Rio were then submitted by the distinguished Member from your District, Judge Thomason. The hearings were continued to February 23, at which time a witness appeared and then, on the request of Judge Terry, a member of this committee from the State of Arkansas, stating that there were some gentlemen who desired to appear, we continued the hearings to this date in order to accommodate Mr. Terry's witnesses. Now, if we continue to carry on this continuance, we would never get through with it.

Mr. BOGGESS. Mr. Chairman, frankly, I just do not know what evidence any one has to offer; I do not know what kind of evidence you gentlemen, even, would like to hear. Unfortunately, I am here before you without any brief for anybody except my people and I just do not know what evidence would be proper to introduce, or anything that might be said that might influence you gentlemen.

The CHAIRMAN. How long would it take you to submit a brief on behalf of the Chamber of Commerce of your town, if we desired to incorporate that in the hearings?

Mr. BOGGESE. Well, sir; I do not know how long I will be kept here. I might be able to wire home and get my friends to work on the proposition and furnish you gentlemen with the additional statistical facts that I have attempted, with very meager information, to give you about the effect that this station has had on southwest Texas. Other than that, I know nothing that we could offer.

Mr. TERRY. Mr. Chairman, may I clear up a matter with the judge just a second and go back into that question of how many entertainers were located in Del Rio, who worked with this station?

Mr. BOGGESE. The president of our chamber of commerce told me that there were from 300 to 350 families who moved into Del Rio as a result of this station coming there. Now, whether those people are entirely entertainers, or laborers at the plant, I am ashamed of the fact that it is just across the river there and I have never visited it, and I do not know how many people work there; I do not know how much labor it takes to maintain it. I do know it is a very expensive thing; my information is that it cost approximately half a million dollars to construct and maintain it; but that, of course, is pure hearsay. But without referring at all to the patients who come there and stay at the hotels—

Mr. TERRY. They would stay there anyway, probably; the patients would not go across the border.

Mr. BOGGESE. They might; but those other people have come there and it directly affected some 300 to 350 families who came there and rented houses within the town of Del Rio. Now some of those might be forced to go across the river, because of economic conditions—crossing the toll bridge so frequently. I do not know how many times those people appear on the air, but some of them appear, of course, every hour and, necessarily, those people would have to be across the river all the time.

Mr. TERRY. So far as entertainment for the sheep herders out on the ranches is concerned, they would get the same entertainment if the station was operated from Mexico.

The CHAIRMAN. Do not they get it from San Antonio, too; cannot they get it from San Antonio?

Mr. BOGGESE. Not the kind of entertainment, Judge, that they want to hear. Frankly, the entertainment on this station is not, I believe the expression is, particularly highbrow, and a great deal of it is in Mexican; I think probably one half, at least, of the entertainment that is permitted to go out over the station must be in Mexican.

Mr. TERRY. I thought the complaint was the reason they were closing it is because they did not have a program in Mexican.

Mr. BOGGESE. I do not know, and I am not vouching for this statement, but I understand they want everything said in English to be translated into Spanish, and they are rather insisting that the whole program, even that which is in English, shall be immediately translated into Spanish, and therefore duplicate and, of course, kill the effect of it on the American side of the border. I do not know about that.

The CHAIRMAN. That, I think, is the regulation of the Mexican Government.

Mr. EDMONDS. They started out that way when they first started down there—they opened with Spanish.

Mr. BOGGESS. I know that all of the announcements are made both in Spanish and English.

The CHAIRMAN. They promulgated the regulations about the time we went down to the conference, to the effect that they should be in Spanish.

Mr. BROWN. Did I understand you to say that this doctor has a license to practice in the State of Texas?

Mr. BOGGESS. Yes, sir.

Mr. BROWN. Now is he indulging in any practices that have caused any complaint from your local authorities down there against any law of Texas?

Mr. BOGGESS. Our doctors (we have quite a number of them), seem to be very highly pleased with the work Dr. Brinkley is doing. A great many of them are adopting the same methods of treatment.

Mr. TERRY. Members of the American Medical Association?

Mr. BOGGESS. Members of the American Medical Association.

Mr. BROWN. Judge, you have your own laws down there, written by your State legislature, regulating the practice of medicine, have you not?

Mr. BOGGESS. Yes, sir.

Mr. BROWN. And is not this just an attempt to use the Federal Government to do something which under the laws of the State of Texas they cannot do?

Mr. BOGGESS. They tried awfully hard; that is to say, they made an effort to take Dr. Brinkley's license away from him in Texas and, when they could not get it in the portion of the State dominated by the Texas Medical Association, they took him away to a place where he had no friends in the world and, when they had to come back to the town of Del Rio, the matter was abandoned and so it stands.

Now this is a personal matter that might have some little bearing on what the Doctor is doing. I have a nephew practicing law in Greenville, Tex., which is about 60 miles north of Dallas. I will state to you that he is a graduate of Yale University. Graduating from there, he attended the medical school at Columbia University in New York, for 4 years, and then was for 2 years an interne in the Bellevue Hospital. In my early experience in representing Dr. Brinkley in this litigation—and, frankly, I want it understood that I only represented Dr. Brinkley in the litigation that was pending against him in Texas; I am not now representing him—my nephew found out that I was up there at Dallas representing Dr. Brinkley and he just absolutely tried to make my life a torture to me—the idea of my representing such a quack as that and having my name associated with such a proposition.

I was up there just a short time ago and I pointedly refused to mention Dr. Brinkley, or anything that was happening down there, because I did not want to bring up the same family quarrel; but my nephew said to me: "I have been listening in on that fellow Brinkley you have down there, and I just want to tell you, sir, I believe that man has got something, and I am going to test it out and see if it is not good, as he says it is good, for the diseases he is prescribing for."

Now, I do not know how much that has permeated over the medical profession of the United States; but you know that for innovations many people have persistently resisted a great many things that we now accept, even politically. Even politically we are doing things now that 5, or 6, or 8, or 10 years ago we would have denounced as the rankest socialism on earth, and the minds of the American people seem to be automatically closed against any innovation until they have tried the innovation and discovered there is real merit in it. And, frankly, it just occurs to me that you gentlemen should not pass a bill that is universal in its application to this whole country, aimed at one little spot in the country, that may do it a great deal of damage. As a matter of fact, we know it will do a great deal of damage.

Now, if there are no further questions, I thank you.

Mr. SIROVICH. I would like to tell the distinguished judge that while I have the greatest admiration and respect for the distinguished Congressman who represents his district, and would love to do anything for him, personally, I most humbly take exception to the remark you made that medicine has made some remarkable strides in the very subject Dr. Brinkley is doing work on. Work on the pituitary gland, the thyroid, the adrenalin, thymus, ovaxian and testicular glands have been worked upon by the greatest scientists, not only in our country, but throughout the world, and in the last 30 years advances have been made in that particular field or specialty; but the work has not been done by Dr. Brinkley. Dr. Brinkley is just taking what we call a conglomeration of those various drugs and putting them together in a buckshot preparation and making people believe he is giving them something they have never had before. It is the same thing that I have seen in New York, in what we term "sucker lists", in which men and women receive those little magazines telling them wonderful things about the great stocks of our country and the fine investments they can make in utilities that are doing good business; but, when they tell you to buy stocks, they will recommend five stocks and four of them will be wonderful, but the fifth stock is one they are interested in and is valueless. That is the trouble with Brinkley; he tells a lot of truth that the scientist already knows, that the scientist has already perfected and not Dr. Brinkley; but, when he tells them those things, he adds on a little tale of a type which carries on his, Brinkley's, work, and it is to that which the American Medical Association and the American College of Surgeons are respectfully taking exception. It is unfair, unjust.

Mr. BROWN. May I interpose at this time this statement, that down in Danville, Ky., there is a monument standing to a man by the name of Dr. Ephreham McDowell, who was not anywhere acceptable to the medical profession of his day. His monument is there now; but when he performed an operation there in Danville, Ky., many years ago, there was a mob waiting on the porch and, if it was not a success, he would have been lynched, and the people who live around there say that some of the gathering of the mob was incited by other men of the medical profession who did not believe in the thing he was preparing to do.

I do not know a thing about your doctor, except from reading newspaper articles, but this fellow would have been lynched because he was attempting to do something which had not been done before.

Mr. SMOVICH. In that respect, my good friend, Congressman Brown, is telling the gospel truth. I could give him dozens of instances. When I was in the city of Budapest, I saw a monument erected there to Samuel Weiss, Dr. Semmelweiss, who was one of the pioneers in the determination of mortality tables for what women have to contend with in going through childbirth, as a result of dirt infection. When he proved them, he was charged on and practically mobbed and died in an insane institution, and now a monument is erected to his memory; but 50 years before that time Dr. Oliver Wendell Holmes was preaching the same sentiments. We could give countless examples along the same line, but it does not disprove that Dr. Brinkley is doing something which he should not do. He is not a scientist—

The CHAIRMAN. Gentlemen, this is very interesting and, of course, the Chair does not want to cut off anything at all, but we have some matters that we want to take up this morning. Are there any further questions of Judge Boggess?

Mr. BOGGESS. Gentlemen, I thank you most cordially for your patience in hearing me, and I sincerely trust that you will give southwest Texas a fair break in the consideration of this measure.

The CHAIRMAN. You have so ably represented your territory, Judge, and so has the representative from that district, Judge Thomason, that I fear it will not be possible for us to continue the hearings; because we are reaching a stage where, if we are going to have the bill considered in the House, we have to have it reported. I am only expressing my own sentiments, because this committee follows its own judgment and the Chair does not undertake to control the judgment of the committee.

Mr. THOMASON. May I ask this: If you are not going to take final action on the bill today, but perhaps give it another day or two's consideration, that my friend Judge Boggess be permitted to file a brief, if he can get the necessary data, and present it to the committee before final action is taken, or at least before the hearings are closed?

The CHAIRMAN. Speaking for myself, I would be very glad to have any brief that he cares to submit; at the same time, I doubt that we will hold the hearings open for that purpose. If he could get it in before the hearings are printed, we would be glad to incorporate it.

Mr. BROWN. Mr. Chairman, are we going to hear any proof on the part of the Radio Commission as to why they desire this legislation, or has there been enough taken on that? I was not present at the first hearings.

The CHAIRMAN. The Radio Commission went into that very fully at the hearing on February 15.

Mr. BROWN. Was this Brinkley matter brought in, as to what part of his program would be cut out in the event that this bill was passed?

The CHAIRMAN. No; we did not go into any particular program.

Mr. BROWN. Well, did they go into why they wanted this? I can read that, of course, in the record, but did they go into why they wanted this particular authority in this bill?

The CHAIRMAN. Yes; and that it is directed to other stations down there. Dr. Jolliffe, who is an engineer, and Judge Sykes—

Mr. BROWN. Now, what kind of a doctor is Dr. Jolliffe? [Laughter.]

The CHAIRMAN. Well, he is a doctor of the Bureau of Standards, I believe. He is a technical man; he is not a doctor of medicine—are you, Doctor?

Mr. JOLLIFFE. I should say a doctor of philosophy, sir. In the science of physics, I am an engineer, and have no connection with the medical profession, though I highly regard the medical profession.

Mr. BROWN. You would not preach any doctrine of philosophy, though, that if they had drunk hemlock they should be excommunicated from their church, or anything like that? I want to know if you are the stereotype doctor of philosophy that follows the old and never believes in anything new?

Mr. JOLLIFFE. I think that is a rather severe indictment against scientific men.

Mr. BROWN. I did not mean it as an indictment; I am just asking it as a question, because I do recall there were certain philosophers in the past that had drunk hemlock and got excommunicated from their churches and things like that, and I just wondered if there was anything back of this bill that wants to cut this fellow out because he believes differently or wants to advance a different theory of medicine?

Mr. JOLLIFFE. I might say I have no connection with doctors of philosophy; my training is entirely in the business of chemistry and engineering.

Mr. SIROVICH. Our distinguished chairman has just told me he considers Dr. Jolliffe the ablest authority in the world on the particular subject he is working on.

Mr. BROWN. I am not questioning his authority at all.

Mr. THOMASON. Mr. Chairman, I want to thank the committee for giving my good friend, Judge Boggess, and me so much of your valuable time.

I would like just to make this one statement, if I may, in leaving: I think the remarks made by my very scholarly friend from New York, Dr. Sirovich, prove what I suspected; that is, that our judgment might become warped in a matter of this sort on account of some prejudice we may have against Dr. Brinkley or those who indulge in his practices. I repeat that I do not know Dr. Brinkley and I hold no brief for him; but I do know something about the medical practice act in Texas.

My father belong to the so-called "regular school" and was an active practitioner of medicine for 40 years and, as speaker of the house of representatives in Texas, I had something to do with the passage of the law now in existence and, in doing so, I incurred the enmity of the chiropractors and other schools of medicine. The

medical profession has no better friend than I. But, in my judgment, there is ample authority in Texas on the part of the medical profession to stop this practice, if it has evidence to the effect it is as bad as some people claim it is; and, if so, of course it ought to be stopped. But why not let the medical profession in Texas act to take his license away from him, if it is as bad as some contend; and, if his station is too strong, put it under some kind of control by the Radio Commission?

The CHAIRMAN. We cannot control it.

Mr. THOMASON. Well, why force him to cross the river over into Mexico, where practically the same condition will exist and have a great resulting damage to the people of Del Rio and southwest Texas?

Mr. SIROVICH. You know the personal admiration I have for you—

Mr. THOMASON. It is very mutual.

Mr. SIROVICH. And my sentiments are not warped by any interest in Dr. Brinkley one way or the other.

Mr. THOMASON. I just do not want your prejudice to warp your judgment about a matter of this sort.

Mr. SIROVICH. Any one who knows me in the House knows that I am always fair in my vote, and that I vote for a measure when I think it is a liberal and progressive measure.

Mr. THOMASON. Yes; you do.

Mr. SIROVICH. And what I want to ask my distinguished friend, is this: Assuming the medical profession of the State of Texas can take care of their own troubles, which I am sure they can do—

Mr. THOMASON. They ought to do it, if it is as bad as they say.

Mr. SIROVICH. There is no doubt they can—and why cannot Dr. Brinkley broadcast from San Antonio if he will conform to the rights and prerogatives that come to every one?

Mr. THOMASON. I suppose that is up to him and the management of the San Antonio broadcast station, but this still ought to be a country of free action and free speech, in a way, and when he came to Texas he had scarcely more than reached Texas until an effort was made to prevent him having a license in Texas. And may I say that my distinguished friend, whom I presented to the committee, has only appeared for him in court, and he is that kind of a lawyer. And the courts down there said he was entitled to practice in Texas.

Now, then, if he has violated the medical practice act of Texas, let the legal authorities of Texas take that up and take his license away from him and say he cannot practice medicine in Del Rio, Tex., or anywhere else in Texas. Let them also prosecute him criminally if he is guilty. But when he has invested his money there in compliance with the laws of a sister republic and is bringing entertainment to literally thousands of people in the great big expansive desert country, why let us get our judgment warped because we do not like this fellow, or his methods, or his politics and say "No; we are going to take that away", and are going to make him a goat. There has been a great deal of discussion here about goats in this whole proceeding. As I said to the committee the other day, I live in the city of El Paso and Juarez is a mile across the river, situated to El Paso about as Villa Acuna is to Del Rio;

we are all one great big community and get along, and they have a station there that I listen in on nearly every evening when I am at home, and I have never heard the slightest complaint about it.

If there is something wrong about his program, cut it out; if Brinkley is a crook, get him out of the medical profession; but why, when a man has spent half a million dollars in an honest, good-faith investment in a sister republic, with all of this free air that we have, and with the fine entertainments that get over into our country—honest, decent, clean entertainment—why take that away from these people simply because some man has violated the ethics of the medical profession? And, I repeat, the medical profession has no better friend than I, because I have been on the firing line too much for them.

The CHAIRMAN. We are not dealing here with the medical profession, but we are dealing with a situation in which citizens of the United States, not only of Del Rio but of other places, are maintaining studios and going across the border and putting up large transmission stations, with very high power, and cluttering up the air and interfering with our radio system.

Mr. THOMASON. I appreciate that situation, and reference is made to the San Antonio station. That is one of the most powerful in America. I listen in on it and I have been down into Mexico a lot. Their programs reach far into the interior of Mexico. What would you say if the people of Mexico objected to the San Antonio, Tex., station and ask that they be put off the air?

Mr. SIROVICH. But my distinguished friend has just dilated on the fact that the entertainments are wonderful, and highly respected by all of the people of Mexico and Texas; is that right?

Mr. THOMASON. That is true, too.

Mr. SIROVICH. And every one watches for that entertainment?

Mr. THOMASON. That is true.

Mr. SIROVICH. What would my good friend think if a lot of burglars and highbinders gave out the finest kind of entertainment, and then sent a lot of pickpockets around to pick the pockets of the people to pay for putting the entertainment on?

Mr. THOMASON. If they are burglars, they ought to be tried and prosecuted for it, just as they ought to prosecute Brinkley if he is a crook, and deprive him of the right to practice; but I would not deprive innocent people of an opportunity to hear decent entertainment, whether the Mexican people are hearing San Antonio, or the people of San Antonio are hearing the station of Dr. Brinkley.

Mr. SIROVICH. No one is complaining about the entertainment?

Mr. THOMASON. No; they are complaining about Brinkley—that is apparent.

Mr. SIROVICH. But we contend the entertainment is offensive—and I am in sympathy with the people of Del Rio who like the entertainment and whose interest is enhanced because people come there, and I would be doing the same thing if I were in your place, if I represented that district; but, still, we are here to protect other people, other stations, who are the beneficiaries not only of the entertainment, but are imposed upon through their credulity in his kind of treatment that has met the adverse criticism of the entire medical profession of the country?

The CHAIRMAN. I am afraid we are getting into the Brinkley case here, while we are dealing with a national situation.

Mr. TERRY. I thought our problem was a question of interference.

The CHAIRMAN. That is all.

Mr. TERRY. And the distinguished P.H.D. over here was the one who testified in regard to interference.

Mr. THOMASON. We have drifted from P.H.D.'s to M.D.'s. [Laughter.] I thank you for being so generous with your time and if you will give us 2 or 3 days to get this information from Del Rio, while Judge Boggess happens to be in the city on other business, and not as the attorney for Dr. Brinkley, but just as a citizen interested in the welfare of his community, we will be very grateful for that, if you cannot postpone the hearing as requested by the telegram.

Mr. SIROVICH. Mr. Chairman, has Dr. Brinkley made any application to appear before the committee?

The CHAIRMAN. I do not think so.

Mr. BROWN. If he has, I would like to hear him.

The CHAIRMAN. If he does, he will have to hear the American Medical Association.

Mr. BROWN. Yes; if he does. It just seems to me there is a whole lot of merit in what Mr. Thomason has to say. This man has the State laws down there to live under and they tried to oust him down there and they could not do it under the State laws. I do not think they have any right to come to the Federal Government and do by indirection what they cannot do by direction.

The CHAIRMAN. The Chair will give consideration to the views of all of the witnesses.

Mr. THOMASON. Will the Chair be kind enough to advise if he can give us a little time?

The CHAIRMAN. How long would you want to file a brief?

Mr. THOMASON. I think it would take 3 or 4 days at least, because we would have to wire to Del Rio for the information, of course; or they can appear before you if you want to pass it over until the 15th of March.

The CHAIRMAN. We have another hearing set for the 15th.

Mr. THOMASON. In view of what the Chairman says, we will try to get the witnesses here; if we can; if we cannot, we will prepare a brief and submit it.

The CHAIRMAN. I do not know whether the committee would care to hear other witnesses, or not, but that is a matter entirely for the consideration of the committee in executive session.

Mr. THOMASON. Thank you very much, gentlemen.

Mr. EDMONDS. Mr. Chairman, I would like to say, before the Judge goes, that we do not want him to think this has been aimed straight at Dr. Brinkley, because it is not; there are stations all along the border there that are making trouble and interfering with American broadcasts.

The CHAIRMAN. I tried to emphasize that.

Mr. EDMONDS. You tried to emphasize that, but it don't seem to get over; and, as far as this committee is concerned, it is a question of whether we are going to allow American broadcasting stations to be drowned out by these stations of Mexico. And as far as the

bill is concerned, if Dr. Brinkley wants to submit his program to the Commission, the Commission can give him a permit to broadcast in Texas, and he don't have to go over to Mexico.

Mr. BOGCESS. How do you expect to regulate those stations in Mexico?

Mr. EDMONDS. The only thing we can do is to prevent programs from going over from the United States, unless they are approved by the Commission.

Mr. BOGCESS. There are in Texas, to the very best of my information, only two others that have remote control stations in Mexico and, frankly, both of them are so weak that they could not possibly interfere with a program anywhere in the world, except right along the border there. I have very great difficulty in getting them on my machine, which is a very good machine.

The CHAIRMAN. The testimony we had here the first day was as to all of those stations and their authorized power as well as their present power that is being used, and I think certainly the authorized power was very large.

Mr. BOGCESS. Well they certainly are not using any great power now. I have no idea about their authorized power.

The CHAIRMAN. What do they use, Doctor; do you recall?

Mr. BOGCESS. I have very great trouble in getting Nueva Laredo, or Reynoso, and they are just down the river there from us a few hundred miles. I have no trouble in getting the San Antonio station whatsoever.

Mr. JOLLIFFE. The Station XEPN at Piedras Negras is authorized for 220 kilowatts.

Mr. BOGCESS. That is opposite Laredo, Tex.

Mr. JOLLIFFE. XENT, at Nueva Laredo, that has just recently gone into operation, which is operated, as I understand, by a former licensee of the Federal Radio Commission, namely, Dr. Norman Baker, is authorized at 150 kilowatts.

Station XEBC, which is in Agua Calientes, across the California border, in Lower California—the only information we have is it is approximately 2 kilowatts, but the indication is it is probably more.

Then 2 stations are authorized or projected at Matamoros, 1 of 150 kilowatts, and the other of 500 kilowatts; then there is a station in the city of Juarez, authorized at 500 kilowatts, and a station in Ensenada of 500 kilowatts, projected.

I might say that the maximum power used regularly in the United States at the present time in regular broadcast hours is 50 kilowatts; consequently, all of these stations I have mentioned here are of greater power than the highest powered station now authorized for regular operation in the United States. The reason I say "regular operation" is because the Crosby station has a strength of 500 kilowatts, but is not authorized.

The CHAIRMAN. The Crosby station has what?

Mr. JOLLIFFE. They have built a station of 500 kilowatts.

The CHAIRMAN. That is in Cincinnati?

Mr. JOLLIFFE. That is in Cincinnati; yes, sir.

Mr. BROWN. What is the power of the station down beyond Del Rio?

Mr. JOLLIFFE. The authorized power is 500 kilowatts. My understanding, from rather indirect sources, is it is operating on approximately 100 kilowatts at the present time.

Mr. EDMONDS. It drowns out in Philadelphia three stations.

Mr. JOLLIFFE. Yes, sir.

Mr. BROWN. The passage of this bill won't curtail that broadcasting at all, will it? It won't have any effect on it at all, except to stop the program from this side?

Mr. JOLLIFFE. The passage of this bill is directed only at the maintenance of studios in the production of the programs in the United States. That is as far as we can have jurisdiction.

Mr. BROWN. It cannot affect in any way the conflict between that station over there and the stations on this side?

Mr. JOLLIFFE. That is correct, if the station is continued.

Mr. BROWN. Therefore, the motive in back of this bill must be to hit some particular program that is being broadcast on this side.

Mr. JOLLIFFE. The object of the bill recommended by the Federal Radio Commission was to make it possible to control the actions of these stations when they took place within the borders of the United States. It is obvious that the United States cannot go beyond its own borders and that is the only thing that we can reach, and that is why it was recommended.

This situation is building up along the Mexican border. It is not only Dr. Brinkley, that is only one of many; but it is building up all along the Mexican border, where American capital, which is unable to obtain permission to broadcast in the United States because of interference, is going south of the Rio Grande and establishing stations and then, by remote control, operating and selling time, selling advertising, and putting on programs which are not permitted over United States stations, and causing interference with the legitimate stations—stations which are giving a service to the United States, operated by reputable citizens of the United States, citizens who are complying with all of our rules and regulations, and destroying their service.

The illustration which was used was the one which Dr. Sirovich referred to, namely, WSB at Atlanta, which is being driven back, because of interference, in such a way that it probably is not covering an area as large as some stations of considerably less power. Senator Cohen's newspaper has put in a large investment, in good faith, in Atlanta, and that station is being interfered with by this station which has been referred to here this morning.

Another example is the station which has recently been opened by Norman Baker, that is causing interference to stations of the United States, particularly a station in Houston, Tex., in which the service was practically annihilated by this station going on 1,115 kilocycles, and it was necessary, in the case of that station in Houston, to change him to another frequency; in order that he could even be heard in the city of Houston, the power was reduced and the frequency was changed and the station was put to considerable expense just because of this particular Mexican station.

Now, we are trying to do what we can do in this respect. Reference has been made to the action of the Mexican Government with

respect to Dr. Brinkley. We have not gotten official notification from our embassy in Mexico City as to what has happened, but we know that over a period of several months—and we have had this information direct from the Mexican Government—several fines had been imposed on Station XER because of violation of the Mexican radio laws, namely, the violation of the regulation which says that programs must be given in Spanish first and then translated into English. And further, as I understand indirectly—and this is not official—the Department of Health of Mexico has ruled that the operation is in violation of the Mexican health laws.

What they have done in the last few days has only been reported through the newspapers, that is, that the station has been closed, but as to the correctness of the allegation I do not know. But I do know that these fines have been imposed before and that station has taken an appeal to the Mexican courts, and it was our understanding it was to be heard in the Mexican courts yesterday. But this other action came subsequently and what it is I do not know, except from the newspapers.

Mr. BROWN. Has there been any protest from the American Medical Association asking you to take such action as this?

Mr. JOLLIFFE. No, sir. The American Medical Association participated in the hearing which was held before the Federal Radio Commission 3 or 4 years ago—4 years ago now—which resulted in the cancelation of the license. The American Medical Association was one of the organizations, but only one of several organizations, which entered a protest at that time.

Mr. BOGGESE. You realize the fact that you cannot change the power, or the frequency used by this station, and that if Dr. Brinkley does iron out his troubles with Mexico, all he has to do is just to run across the river there a mile and a half and continue the same program exactly.

Mr. JOLLIFFE. Of course; nobody realizes that any more than I do.

The CHAIRMAN. And very regretfully.

Mr. JOLLIFFE. Very regretfully.

(Thereupon, the committee went into executive session, at the conclusion of which an adjournment was taken subject to the call of the Chair.)

APPENDIX

RADIO CORPORATION OF AMERICA,
NEW YORK, February 14, 1934.

Re H.R. 7800.

Judge S. O. BLAND,

House of Representatives, Washington, D.C.

DEAR JUDGE BLAND: In rereading the bill, it occurs to me that it might be of some advantage on page 1, line 8, after the word "maintain" to insert the words "within the United States".

Accordingly, I am taking the liberty of passing along the thought for whatever value it might have.

Sincerely yours,

FRANK W. WOZENCRAFT.

NEW YORK, N.Y., February 23, 1934.

SCHUYLER OTIS BLAND,

*Committee on Merchant Marine, Radio, and Fisheries,
House of Representatives, Washington, D.C.:*

As an agency handling radio advertising campaigns for many important American manufacturers in numerous foreign countries, we herewith oppose the proposed bill, H.R. 7800, amendment 28a, on the grounds that it will seriously impair properly conducted advertising campaigns of American manufacturers on foreign stations by means of electrical transcriptions. Hamper seriously American foreign-trade promotion which is a vital part of the recovery program. Affect employment in many recording studios in forcing use of local live talent in foreign countries instead of American-produced transcriptions. Also create an unjust monopoly. If this bill is aimed against bad practices of Mexican border stations, the amendment should be so limited, but with the extremely sensitive radio sets on the market today and the fact that with such sets sound waves of stations all around the world can be consistently heard and bill will create the above-mentioned unfair conditions.

C. H. VENNIE, Jr.,
*President Conquest Alliance Co., Inc.,
515 Madison Avenue, New York City.*

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 23, 1934.

Re radio legislation.

Hon. OTIS BLAND,

*Chairman House Committee on Merchant Marine, Radio, and Fisheries,
House of Representatives, Washington, D.C.*

MY DEAR COLLEAGUE: Herewith is a letter to me of February 16, from one of my constituents, Mr. C. L. Brown, of Corsicana, Tex.

You will note that Mr. Brown is friendly with Dr. John R. Brinkley, and requests that legislation not be passed that will prevent Dr. Brinkley's right to broadcast over the radio.

Kindly give this your serious consideration, and oblige.

Your friend,

LUTHER A. JOHNSON.

MEXIA TORPEDO Co.,
CORSICANA, TEX., February 16, 1934.

Hon. LUTHER JOHNSON,

Member of Congress, Washington, D.C.

DEAR SIR: Last fall while you were in Corsicana I had several pleasant talks with you. I am now asking you to do me a favor.

Senator Bland of Virginia has introduced an amendment in Congress to the 1927 Radio Act, which, if passed, will give the Radio Commission control over remote control wires into Mexico.

This bill is aimed directly at Dr. John R. Brinkley, of Del Rio, Tex., who is advertising his compound operation over radio station XER. Dr. Brinkley is doing a wonderful work relieving old men of prostate gland trouble without removing the prostate gland, which operation is usually fatal, and very expensive.

I can personally vouch for the good, I might say perfect, results obtained from Dr. Brinkley's compound operation, as I took this operation in 1929, and am now in perfect health. I would have been dead had it not been for Dr. Brinkley.

I respectfully request that you do not let any high-powered doctor tell you that Dr. Brinkley is a fake, as he is a blessing to all that go to him for help. You, yourself, may need him later in life.

I trust that you will use your influence in killing this amendment.

Yours very truly,

MEXIA TORPEDO Co.,
By C. L. BROWN, Manager.

WASHINGTON, D.C., *March 3, 1934.*

HON. SCHUYLER OTIS BLAND,
*Chairman Committee on Merchant Marine, Radio, and Fisheries,
House of Representatives, Washington, D.C.*

DEAR SIR: PURSUANT to your agreement that the Del Rio Chamber of Commerce might file a brief showing the facts as to the beneficial effects of XER radio station to Texas, I take pleasure in attaching hereto a telegram that I have this day received from the chamber of commerce. This message speaks for itself and largely covers the benefits that all Texas and other portions of the Union have received from the erection of said station.

I desire to emphasize the advertising features of the programs going out over this station. Not only does the station give to Del Rio 30 minutes a day to advertise itself, but invitations are extended to all municipalities on United States Highway No. 90 extending from New Orleans to Los Angeles to appear and utilize the time in advertising of their communities. Every announcement made over the radio states the location of the station and generally something is said about the mildness of the winter climate and the charm of the country, and in almost every program going out over this station something is said about Texas and its availability as an ideal winter climate.

You will observe from the enclosed telegram that the chamber of commerce has received 13,664 letters of inquiry concerning business opportunities in Texas and the climatic features of the country.

All this will be lost should this bill pass as the Radio Commission has already prejudged the Brinkley question and will promptly put him off the air. This will put him to the inconvenience of making electrical transcriptions of his lectures and sending them across the river for broadcast, or adopting some other method of reaching his patients which can be easily accomplished by driving across the International Bridge, a distance of only 2 miles over well-paved roads. But if the remote control stations in Del Rio are closed, Del Rio will lose all the benefits that the station has afforded it.

Texas has ample and stringent laws against the illegal practice of medicine, and in my opinion is quite able to take care of its own troubles and settle its own controversies, and why Congress should take its valuable time in a crisis such as now confronts the American people to pass a bill, general in scope, but aimed at only one radio station attempting in this way to do by indirection what the American Medical Association has not been able to do by direct action seems to me an imposition on the taxpayers of our common country and a waste of time that Congress should be devoting to the recovery program.

Certainly the suppression of this radio station will throw a great number of people out of work and thus increase the army of unemployed that this station has helped to remunerative business employment.

I respectfully submit this statement with the supporting telegram from my chamber of commerce in the confident belief that your committee will disregard the fight that is being made on an isolated doctor for the good of the country that a radio station has succeeded in making prosperous and happy.

Respectfully submitted.

W. F. BOGGESS,
Representing Del Rio Chamber of Commerce.

DEL RIO, TEX., *March 2, 1934.*

HON. W. F. BOGGESS,
Raleigh Hotel, Washington, D.C.:

Following date comparative figures, periods November 1, 1932, to March 1, 1933, last winter; November 1, 1933, to March 1, 1934, this winter. St. Charles Hotel revenue increase 19 percent this winter over last winter; Roswell Hotel increase 82 percent. These hotels practically bankrupt last fall, now practically full and thriving. Other smaller hotels in same condition. Postal receipts increased 56 percent this winter over last. Southern Pacific ticket sales increased \$2,833 this winter over last. This figure only covers outbound from Del Rio. Major portion Brinkley patients buy round-trip tickets. Southern Pacific estimate \$10,000 increase in passenger business since Brinkley in Del Rio last fall. Brinkley patients, including examination and operations

since October, 613, from all States, United States and Canada. Chamber of Commerce inquiries re Del Rio southwest Texas, 13,664 this winter, practically none last winter. Brinkley expenditures month of February, only material and pay roll in Del Rio staggering amount, \$102,534.82. If bill passes, prevent remote control 83 XER employees lose jobs. No doubt will effect 50 additional employees in hotels, restaurants, filling stations, tourist camps, and stores. Chamber of Commerce half-hour period XER devoted to advertising cities along old Spanish trail, including Jacksonville, Lake City, Tallahassee, Pensacola, Mobile, Gulfport, New Orleans, Houma, Lafayette, Lake Charles, Orange, Beaumont, Houston, Gonzales, San Antonio, Uvalde, Brackettville, Del Rio, Sanderson, Marathon, Alpine, Van Horn, El Paso, Las Cruces, Lordsburg, Globe, Phoenix, El Centro, San Diego, in addition have broadcast re Dallas, Fort Worth, Wichita Falls, Abilene, Ballinger, San Angelo, and many others. Since XER and Brinkley in Del Rio last October, business generally increase 35 percent. Practically no empty houses in Del Rio, at this time apartment houses full, tourist camps and hotels average 80 percent full, due to Brinkley patients and tourists. Brinkley patients usually accompanied by one or two members of families. Del Rio will be thrown back to depression if H.R. 7800 passes. Consider XER biggest asset to southwest Texas and Old Spanish Trail. Important letter re Uvalde mailed you today air mail.

DEL RIO CHAMBER OF COMMERCE.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 4, 1934.

COMMITTEE ON MERCHANT MARINE, RADIO, AND FISHERIES,
House of Representatives, Washington, D.C.

DEAR SIRs: The enclosures are self-explanatory, and are forwarded to you for such attention and consideration as you may see fit to give them.

Sincerely,

RICHARD M. KLEBERG.

ARANSAS PASS., TEX., March 2, 1934.

RICHARD M. KLEBERG,
Member of Congress, House Office Building:

We join with Del Rio, Corpus Christi, and other chambers of commerce in urging you to vigorously oppose bill to prevent broadcasting by remote control.

CHAMBER OF COMMERCE.

CORPUS CHRISTI, TEX., March 2, 1934.

HON. RICHARD M. KLEBERG,
House of Representatives:

Urge you use your influence in opposition H.R. 7800, S. 2660, which will prevent remote-control broadcasts from Texas to Mexico. Believe such programs aid in development this section through advertising.

SIDNEY KRING,
Manager Chamber of Commerce.

United States stations adjacent to Mexican stations

OPERATING

| Station | Difference in frequency ¹ | Power | Distance | Location |
|-------------------------|--------------------------------------|-----------------------|--------------|-----------------|
| | | | <i>Miles</i> | |
| WGN..... | -15 kilocycles..... | 50 kilowatts..... | 1,160 | |
| Canadian exclusive..... | -5 kilocycles..... | | | |
| XER-SEF..... | 735 kilocycles..... | 75-500 kilowatts..... | | Villa Acuna. |
| WSB..... | +5 kilocycles..... | 50 kilowatts..... | 1,040 | |
| WJR..... | +15 kilocycles..... | 10 kilowatts..... | 1,360 | |
| WIBW-KSAC..... | -5 kilocycles..... | 1 kilowatt..... | 870 | |
| WOBW..... | do..... | 500 watts..... | 1,310 | |
| KMJ..... | do..... | do..... | 1,400 | |
| XEPN..... | 585 kilocycles..... | 50-220 kilowatts..... | | Piedras Negras. |
| WOW..... | +5 kilocycles..... | 1 kilowatt..... | 1,025 | |
| Canadian exclusive..... | -5 kilocycles..... | | | |
| XEAW..... | 965 kilocycles..... | 10 kilowatts..... | | Reynosa. |
| WCFL..... | +5 kilocycles..... | 5 kilowatts..... | 1,260 | |
| KJR..... | do..... | do..... | 1,970 | |
| WRVA..... | -5 kilocycles..... | do..... | 1,470 | |
| XENT..... | 1,115 kilocycles..... | 50-150 kilowatts..... | | Nuevo Laredo. |
| KTRH..... | +5 kilocycles..... | 1 kilowatt..... | 300 | |
| WTAW..... | do..... | 500 watts..... | 305 | |
| KRKD..... | do..... | do..... | 1,210 | |
| WFAA-WBAP..... | -10 or 15 kilocycles..... | 50 kilowatts..... | 1,150 | |
| XEBC..... | 810-815 kilocycles..... | 2 kilowatts..... | | Agua Calientes. |
| WCCO..... | 0 or +5 kilocycles..... | 50 kilowatts..... | 1,550 | |
| WHAS..... | +5 or +10 kilocycles..... | do..... | 1,800 | |

PROJECTS

| | | | | |
|-------------------------|-----------------------|--------------------|-------|----------------|
| Canadian exclusive..... | -5 kilocycles..... | | | |
| XETM..... | 845 kilocycles..... | 150 kilowatts..... | | Matamoras. |
| WWL..... | +5 kilocycles..... | 10 kilowatts..... | 535 | |
| KWKH..... | do..... | do..... | 510 | |
| WSM..... | -10 kilocycles..... | 50 kilowatts..... | 950 | |
| XEM..... | 660 kilocycles..... | 500 kilowatts..... | | Matamoras. |
| WEAF..... | | 50 kilowatts..... | 1,730 | |
| WMAQ..... | +10..... | 5 kilowatts..... | 1,250 | |
| XEMA..... | 810 kilocycles..... | 500 kilowatts..... | | Ciudad Juarez. |
| WCCO..... | | 50 kilowatts..... | 1,170 | |
| XEMB..... | 1,210 kilocycles..... | 500 kilowatts..... | | Ensenada. |
| KFXM..... | | 100 watts..... | 140 | |

¹ And many locals on 1,210 kilocycles.

FEBRUARY 14, 1934.

Memorandum to Judge Sykes:

At the time of the North American Radio Conference at Mexico City, the status of the so-called "Mexican border stations" was established. From the minutes of the meeting on July 19, 1933, of the subcommittee on broadcasting, the status of those stations was given as follows:

Operating, July 19, 1933

| Call letters | Location | Fre- quency | Power | |
|--------------|-------------------------------|------------------------------|-------------------------|----------------------------|
| | | | Author- ized | Actual |
| XER-XEF | Villa Acuna, Coahuila..... | <i>Kilocycles</i> 665-735 | <i>Kilowatts</i> 500 | <i>Kilowatts</i> 75-150 |
| XEPN | Piedras Negras, Coahuila..... | 585 | 100 | 50-75 |
| XEAW | Reynosa, Tamaulipas..... | 965 | 10 | 10 |

UNDER CONSTRUCTION

| | | | | |
|------|-------------------------------|-------|-----|--|
| XENT | Nuevo Laredo, Tamaulipas..... | 1,115 | 150 | |
| XETM | Matamoros, Tamaulipas..... | 845 | 150 | |

CONCESSION TO CONSTRUCT

| | | | | |
|-----|----------------------------|-----|-----|--|
| XEM | Matamoros, Tamaulipas..... | 660 | 500 | |
|-----|----------------------------|-----|-----|--|

CONSTRUCTION REQUEST PENDING

| | | | | |
|------|--------------------------------|-------|-----|--|
| XEMA | Ciudad Juarez, Chihuahua..... | 810 | 500 | |
| XEMB | Ensenada, Baja California..... | 1,210 | 500 | |

From the best information available, the status of these border stations as of February 1, 1934, is as follows:

Operating February 1, 1934

| Call letters | Location | Fre- quency | Power | |
|--------------|-------------------------------------|-------------------|------------------|------------------|
| | | | Author- ized | Actual |
| | | <i>Kilocycles</i> | <i>Kilowatts</i> | <i>Kilowatts</i> |
| XER-XEF | Villa Acuña, Coahuila..... | 665-735 | 500 | 75-150 |
| XEPN | Piedras Negras, Coahuila..... | 585 | 220 | 50-75 |
| XEAW | Reynosa, Tamaulipas..... | 965 | 10 | 10 |
| XENT | Nuevo Laredo, Tamaulipas..... | 1, 115 | 150 | 50-75 |
| XEBC | Aguascalientes, Aguascalientes..... | 810-815 | (1) | 2 |

¹ Unknown.

The Neuva Laredo station began operating in the fall of 1933 and the Agua Calientes station began operating approximately January 1, 1934. No further information is available on outstanding authorizations for construction or status of construction of other stations.

C. B. JOLLIFFE, *Chief Engineer.*